

1979

SESSION LAWS

OF THE

STATE OF WASHINGTON

1ST EXTRAORDINARY SESSION
FORTY-SIXTH LEGISLATURE

Convened March 21, 1979. Adjourned June 2, 1979.



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DENNIS W. COOPER
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 contain a subject index and tables indicating code sections affected.
- (b) *Temporary pamphlet edition—where and how obtained—price.* The temporary session laws may be ordered from the Statute Law Committee, Legislative Building, Olympia, Washington 98504 at one dollar per set, remittance to accompany order. (No sales tax required.)
- (c) *Permanent bound edition—when and how obtained—price.* The permanent bound edition of the session laws may be ordered from the State Law Librarian, Temple of Justice, Olympia, Washington 98504 at four dollars per volume. (No sales tax required.) The laws of the 1979 Regular and 1st Extraordinary sessions will be printed in two volumes. All orders must be accompanied by remittance.

2. PRINTING STYLE—INDICATION OF NEW OR DELETED MATTER

Both editions of the session laws present the laws in the form in which they were adopted by the legislature. This style quickly and graphically portrays the current changes to existing law as follows:

- (a) In amendatory sections—
 - (i) underlined matter is new matter.
 - (ii) ~~deleted matter is ((lined out and bracketed between double parentheses))~~
- (b) Complete new sections are prefaced by the words NEW SECTION.

3. PARTIAL VETOES

- (a) Vetoed matter is *printed in italics*.
- (b) Pertinent excerpts of the governor's explanation of partial veto are printed at the end of the chapter concerned.

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

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 Secretary of State has determined the pertinent date for the Laws of the 1979 regular session to be June 7, 1979 (midnight June 6). The pertinent date for the laws of the 1979 1st Extraordinary session is September 1, 1979 (midnight August 31).
- (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

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STATE MEASURES

PROPOSED CONSTITUTIONAL AMENDMENTS

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CHAPTER 1

[Substitute Senate Bill No. 2140]

COLLEGE SCHOLARSHIPS—PERFORMING ARTS STUDENTS

AN ACT Relating to institutions of higher education; and amending section 3, chapter 28, Laws of 1971 ex. sess. as amended by section 9, chapter 46, Laws of 1973 1st ex. sess. and RCW 28B.10.704.

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

Section 1. Section 3, chapter 28, Laws of 1971 ex. sess. as amended by section 9, chapter 46, Laws of 1973 1st ex. sess. and RCW 28B.10.704 are each amended to read as follows:

Funds used for purposes of providing scholarships or other forms of financial assistance to students in return for participation in intercollegiate athletics in accordance with RCW 28B.10.703 shall include but not be limited to moneys received as contributed or donated funds, or revenues derived from athletic events, including gate receipts and revenues obtained from the licensing of radio and television broadcasts.

Funds used for purposes of providing scholarships or other forms of financial assistance to students in return for participation in curriculum-related activities relating to performing arts shall include but not be limited to moneys received as contributed or donated funds, or revenues derived from performing arts events, including admission receipts and revenues obtained from the licensing of radio and television broadcasts.

Passed the Senate March 21, 1979.

Passed the House April 4, 1979.

Approved by the Governor April 13, 1979.

Filed in Office of Secretary of State April 13, 1979.

CHAPTER 2

[Senate Bill No. 2191]

GEOTHERMAL RESOURCES—OWNERSHIP—SURFACE LANDOWNER

AN ACT Relating to geothermal resources; and amending section 4, chapter 43, Laws of 1974 ex. sess. and RCW 79.76.040.

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

Section 1. Section 4, chapter 43, Laws of 1974 ex. sess. and RCW 79.76.040 are each amended to read as follows:

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 and as such are hereby declared to be the private property of the holder of the title to the surface land above the resource.

NEW SECTION. Sec. 2. If any provision of this 1979 act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the Senate March 21, 1979.

Passed the House April 4, 1979.

Approved by the Governor April 13, 1979.

Filed in Office of Secretary of State April 13, 1979.

CHAPTER 3

[House Bill No. 44]

GAME AND GAME FISH—LICENSE DEALERS—FEES

AN ACT Relating to game and game fish; amending section 77.32.010, chapter 36, Laws of 1955 as amended by section 1, chapter 245, Laws of 1959 and RCW 77.32.010; amending section 77.32.050, chapter 36, Laws of 1955 and RCW 77.32.050; and amending section 77.32.060, chapter 36, Laws of 1955 as last amended by section 2, chapter 29, Laws of 1970 ex. sess. and RCW 77.32.060.

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

Section 1. Section 77.32.010, chapter 36, Laws of 1955 as amended by section 1, chapter 245, Laws of 1959 and RCW 77.32.010 are each amended to read as follows:

It shall be unlawful for any person to hunt, trap, or fish for game animals, fur-bearing animals, game birds or game fish during the season when it is lawful to hunt, trap, or fish for them or to practice taxidermy for profit, or to receive or purchase or resell raw furs for profit, without first having procured and having in force, and in his personal possession, and on his person while so hunting, trapping, fishing, or practicing taxidermy, or dealing in furs, a license so to do issued to him as provided in this chapter: PROVIDED, That nothing in this section shall prevent a person under the age of sixteen years, from fishing at any time when it is otherwise lawful to fish: PROVIDED FURTHER, That any person over the age of seventy years who has been a resident of Washington for ten years or more shall be issued, upon making an affidavit to such effect, a license to fish at any time when it is otherwise lawful to fish. The state game commission in its discretion may authorize license dealers to issue such licenses and make a charge therefor which shall not exceed (~~twenty-five~~) fifty cents: PROVIDED, FURTHER, That a license shall not be required of a person who hunts predatory animals or birds without claiming or intending to claim a bounty.

All licenses under this chapter shall be issued by or under the authority of the director, who may deputize game protectors, any county auditor, or any reputable citizen, to issue such licenses and collect the fees therefor.

All persons so deputized by the director shall, on demand, on or before the thirty-first day of December of each year, pay to the director all fees

collected and make and furnish all reports required by the director. The commission may make all necessary rules and regulations regarding the issuance of licenses, the collection and payment of fees collected, and the making and furnishing of reports in connection therewith.

Sec. 2. Section 77.32.050, chapter 36, Laws of 1955 and RCW 77.32-.050 are each amended to read as follows:

Any person deputized by the director to issue combination state hunting and fishing licenses and trapping, taxidermy, or fur dealer licenses, as authorized by this chapter, shall charge ~~((the))~~ a sum ~~((of twenty-five))~~ not to exceed fifty cents in addition to collecting the fees prescribed by law for issuing each such license, which sum shall be retained by him for his services.

Sec. 3. Section 77.32.060, chapter 36, Laws of 1955 as last amended by section 2, chapter 29, Laws of 1970 ex. sess. and RCW 77.32.060 are each amended to read as follows:

Any person deputized by the director to issue combination county hunting and fishing licenses, state resident fishing licenses, state resident hunting licenses, nonresident state fishing licenses, nonresident state hunting licenses, and nonresident state transient licenses, and special permits and tags shall charge ~~((the))~~ a sum ~~((of twenty-five))~~ not to exceed fifty cents in addition to collecting the fee prescribed by law, for issuing each such license, and ~~((ten))~~ a sum not to exceed twenty-five cents for issuing each tag or permit, which sum shall be retained by him for his services.

Passed the House March 21, 1979.

Passed the Senate April 6, 1979.

Approved by the Governor April 13, 1979.

Filed in Office of Secretary of State April 13, 1979.

CHAPTER 4

[House Bill No. 48]

PUBLIC OFFICERS—CONFLICT OF INTEREST—SMALL IRRIGATION DISTRICTS

AN ACT Relating to ethics of public officers; amending section 4, chapter 268, Laws of 1961 as amended by section 1, chapter 242, Laws of 1971 ex. sess. and RCW 42.23.030; and repealing section 40, page 692, Laws of 1889-90 and RCW 87.03.465.

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

Section 1. Section 4, chapter 268, Laws of 1961 as amended by section 1, chapter 242, Laws of 1971 ex. sess. and RCW 42.23.030 are each amended to read as follows:

No municipal officer shall be beneficially interested, directly or indirectly, in any contract which may be made by, through or under the supervision of such officer, in whole or in part, or which may be made for the benefit of

his office, or accept, directly or indirectly, any compensation, gratuity or reward in connection with such contract from any other person beneficially interested therein. This section shall not apply in the following cases:

(1) The furnishing of electrical, water or other utility services by a municipality engaged in the business of furnishing such services, at the same rates and on the same terms as are available to the public generally;

(2) The designation of public depositaries for municipal funds;

(3) The publication of legal notices required by law to be published by any municipality, upon competitive bidding or at rates not higher than prescribed by law for members of the general public;

(4) The designation of a school director as clerk or as both clerk and purchasing agent of a school district;

(5) The employment of any person by a municipality, other than a county of the first class or higher, a city of the first or second class, an irrigation district encompassing in excess of fifty thousand acres, or a first class school district, for unskilled day labor at wages not exceeding one hundred dollars in any calendar month;

(6) The letting of any other contract (except a sale or lease as seller or lessor) by a municipality, other than a county of the first class or higher, a city of the first or second class, an irrigation district encompassing in excess of fifty thousand acres, or a first class school district: **PROVIDED**, That the total volume of business represented by such contract or contracts in which a particular officer is interested, singly or in the aggregate, as measured by the dollar amount of the municipality's liability thereunder, shall not exceed two hundred dollars in any calendar month: **PROVIDED FURTHER**, That in the case of a particular officer of a city or town of the third, or fourth class, or a noncharter optional code city, the total volume of such contract or contracts authorized in this subsection may exceed two hundred dollars in any calendar month but shall not exceed thirty-six hundred dollars in any calendar year;

(7) The leasing by a port district as lessor of port district property to a municipal officer or to a contracting party in which a municipal officer may be beneficially interested, if in addition to all other legal requirements, a board of three disinterested appraisers, who shall be appointed from members of the American institute of real estate appraisers by the presiding judge of the superior court in the county where the property is situated, shall find and the court finds that all terms and conditions of such lease are fair to the port district and are in the public interest.

NEW SECTION. Sec. 2. Section 40, page 692, Laws of 1889-90 and RCW 87.03.465 are each repealed.

Passed the House March 21, 1979.

Passed the Senate April 6, 1979.

Approved by the Governor April 13, 1979.

Filed in Office of Secretary of State April 13, 1979.

CHAPTER 5

[Substitute House Bill No. 77]

DISSOLUTION OF INACTIVE SPECIAL PURPOSE DISTRICTS

AN ACT Relating to the dissolution of inactive special purpose districts existing within the state of Washington; amending section 9, chapter 189, Laws of 1967 as last amended by section 1, chapter 127, Laws of 1971 ex. sess. and RCW 36.93.090; amending section 15, chapter 189, Laws of 1967 as last amended by section 10, chapter 220, Laws of 1975 1st ex. sess. and RCW 36.93.150; and adding a new chapter to Title 36 RCW.

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

NEW SECTION. Section 1. As used in this chapter, unless the context requires otherwise:

(1) "Special purpose district" means every municipal and quasi-municipal corporation other than counties, cities, and towns. Such special purpose districts shall include, but are not limited to, water districts, fire protection districts, port districts, public utility districts, county park and recreation service areas, flood control zone districts, diking districts, drainage improvement districts, and solid waste collection districts, but shall not include industrial development districts created by port districts, and shall not include local improvement districts, utility local improvement districts, and road improvement districts;

(2) "Governing authority" means the commission, council, or other body which directs the affairs of a special purpose district;

(3) "Inactive" means that a special purpose district, other than a public utility district, is characterized by either of the following criteria:

(a) Has not carried out any of the special purposes or functions for which it was formed within the preceding consecutive five-year period; or

(b) No election has been held for the purpose of electing a member of the governing body within the preceding consecutive seven-year period or, in those instances where members of the governing body are appointed and not elected, where no member of the governing body has been appointed within the preceding seven-year period.

A public utility district is inactive when it is characterized by both criteria (a) and (b) of this subsection.

NEW SECTION. Sec. 2. On or before June 1st of 1980, and on or before June 1st of every year thereafter, each county auditor shall search available records and notify the county legislative authority if any special purpose districts located wholly or partially within the county appear to be inactive. Each county auditor shall also provide in the notifications made in 1982 and thereafter a list of all special purpose districts located wholly or partially within the county which, for three consecutive years before the notification, have failed to file statements with the county auditor as required in section 9 of this act. If the territory of any special purpose district

is located within more than one county, the legislative authorities of all other counties within whose boundaries such a special purpose district lies shall also be notified by the county auditor. However, the authority to dissolve such a special purpose district as provided by this chapter shall rest solely with the legislative authority of the county which contains the greatest geographic portion of such special purpose district.

NEW SECTION. Sec. 3. (1) Upon receipt of notice from the county auditor as provided in section 2 of this act, the county legislative authority within whose boundaries all or the greatest portion of such special purpose district lies shall hold one or more public hearings on or before September 1st of the same year to determine whether or not such special purpose district or districts meet either of the criteria for being "inactive" as provided in section 1 of this act: PROVIDED, That if such a special purpose district is a public utility district, the county legislative authority shall determine whether or not the public utility district meets both criteria of being "inactive" as provided in section 1 of this act. In addition, at any time a county legislative authority may hold hearings on the dissolution of any special purpose district that appears to meet the criteria of being "inactive" and dissolve such a district pursuant to the proceedings provided for in sections 3 through 8 of this act.

(2) Notice of such public hearings shall be given by publication at least once each week for not less than three successive weeks in a newspaper that is in general circulation within the boundaries of the special purpose district or districts. Notice of such hearings shall also be mailed to each member of the governing authority of such special purpose districts, if such members are known, and to all persons known to have claims against any of the special purpose districts. Notice of such public hearings shall be posted in at least three conspicuous places within the boundaries of each special purpose district that is a subject of such hearings. Whenever a county legislative authority that is conducting such a public hearing on the dissolution of one or more of a particular kind of special purpose district is aware of the existence of an association of such special purpose districts, it shall also mail notice of the hearing to the association. In addition, whenever a special purpose district that lies in more than one county is a subject of such a public hearing, notice shall also be mailed to the legislative authorities of all other counties within whose boundaries the special purpose district lies. All notices shall state the purpose, time, and place of such hearings, and that all interested persons may appear and be heard.

NEW SECTION. Sec. 4. After such hearings, the county legislative authority shall make written findings whether each of the special purpose districts that was a subject of the hearings meets each of the criteria of being "inactive." Whenever a special purpose district other than a public utility district has been found to meet a criterion of being inactive, or a public utility district has been found to meet both criteria of being inactive, the

county legislative authority shall adopt an ordinance dissolving the special purpose district if it also makes additional written findings detailing why it is in the public interest that the special purpose district be dissolved. Except for the purpose of winding up its affairs as provided by this chapter, a special purpose district that is so dissolved shall cease to exist thirty-one days after adoption of the dissolution ordinance.

NEW SECTION. Sec. 5. The action of the county legislative authority dissolving a special purpose district pursuant to section 4 of this act shall be final and conclusive unless within thirty days of the adoption of the ordinance an interested party makes application to a court of competent jurisdiction for a writ of prohibition or writ of mandamus. At the hearing upon such a writ, the applicant shall have the full burden of demonstrating that the particular special purpose district, other than a public utility district, does not meet either of the criteria of being inactive or that it is not in the public interest that the special purpose district be dissolved: **PROVIDED,** That where the particular special purpose district subject to the dissolution proceedings is a public utility district, the applicant shall have the full burden of demonstrating that the public utility district either does not meet both the criteria of being inactive or that it is not in the public interest to dissolve the public utility district.

NEW SECTION. Sec. 6. For the sole and exclusive purpose of winding up the affairs of a dissolved special purpose district, the county legislative authority, acting as a board of trustees, shall have the same powers and duties as the governing authority of the dissolved special purpose district including the following:

- (1) To exchange, sell, or otherwise dispose of all property, real and personal, of the dissolved special purpose district; and
- (2) To settle all obligations of such special purpose district. Such powers and duties shall commence upon the effective date of dissolution and shall continue thereafter until such time as the affairs of the dissolved special purpose district have been completely wound up.

NEW SECTION. Sec. 7. Any moneys or funds of the dissolved special purpose district and any moneys or funds received by the board of trustees from the sale or other disposition of any property of the dissolved special purpose district shall be used, to the extent necessary, for the payment or settlement of any outstanding obligations of the dissolved special purpose district. Any remaining moneys or funds shall be used to pay the county legislative authority for all costs and expenses incurred in the dissolution and liquidation of the dissolved special purpose district. Thereafter, any remaining moneys, funds, or property shall become that of the county in which the dissolved special purpose district was located: **PROVIDED,** That if the territory of the dissolved special purpose district was located within more than one county, the remaining moneys, funds, and personal property

shall be apportioned and distributed to each county in the proportion that the geographical area of the dissolved special purpose district within the county bears to the total geographical area of the dissolved special purpose district, and any remaining real property or improvements to real property shall be transferred to the county within whose boundaries it lies.

NEW SECTION. Sec. 8. If the proceeds from the sale of any property of the special district together with any moneys or funds of the special purpose district are insufficient to satisfy the outstanding obligations of the special purpose district, the county legislative authority, acting as a board of trustees, shall exercise any and all powers conferred upon it to satisfy such outstanding obligations: PROVIDED, That in no case shall the board of trustees be obligated to satisfy such outstanding obligations from county moneys, funds, or other sources of revenue unless it would have been so obligated before initiation of the dissolution proceedings under this chapter.

NEW SECTION. Sec. 9. (1) Every special purpose district shall file a statement with the auditor of each county in which it lies on or before December 31st of every year, beginning in the year 1979. The initial statement filed by each special purpose district shall contain the following information:

(a) The name of the special purpose district and a general description of its location and geographical area within the county and within any other county;

(b) The statutes under which the special purpose district operates;

(c) The name, address, telephone number, and remaining term of office of each member of its governing authority; and

(d) The functions that the special purpose district is then presently performing and the purposes for which it was created.

Subsequent annual statements need only identify the special purpose district and any of the above detailed information that has changed in the last year.

(2) Each county auditor, on or before January 31, 1980, and on or before January 31st each year thereafter, shall forward to the state auditor a summation of the information contained in the statements required to be filed in subsection (1) of this section together with information of each special purpose district located wholly or partially within the county that has been dissolved during the preceding year.

NEW SECTION. Sec. 10. The provisions of this chapter to dissolve inactive special purpose districts shall not be exclusive, and shall be in addition to any other method or methods provided by law to dissolve a special purpose district.

NEW SECTION. Sec. 11. The enactment of this act shall not have the effect of terminating, or in any way modifying, any liability, civil or criminal, which shall already be in existence at the date this act becomes effective.

Sec. 12. Section 9, chapter 189, Laws of 1967 as last amended by section 1, chapter 127, Laws of 1971 ex. sess. and RCW 36.93.090 are each amended to read as follows:

Whenever any of the following described actions are proposed in a county in which a board has been established, the initiators of the action shall file a notice of intention with the board, which may review any such proposed actions pertaining to:

(1) The creation, dissolution, incorporation, disincorporation, consolidation, or change in the boundary of any city, town, or special purpose district, except that a board may not review the dissolution or disincorporation of a special purpose district which was dissolved or disincorporated pursuant to the provisions of sections 1 through 11 of this 1979 act; or

(2) The assumption by any city or town of all or part of the assets, facilities, or indebtedness of a special purpose district which lies partially within such city or town; or

(3) The establishment of or change in the boundaries of a mutual water and sewer system or separate sewer system by a water district pursuant to RCW 57.08.065; or

(4) The extension of permanent water or sewer service outside of its existing corporate boundaries by a city, town, or special purpose district.

Sec. 13. Section 15, chapter 189, Laws of 1967 as last amended by section 10, chapter 220, Laws of 1975 1st ex. sess. and RCW 36.93.150 are each amended to read as follows:

The board, upon review of any proposed action, shall take such of the following actions as it deems necessary to best carry out the intent of this chapter:

(1) Approval of the proposal as submitted;

(2) Subject to RCW 35.02.170, modification of the proposal by adjusting boundaries to add or delete territory: **PROVIDED**, That any proposal for annexation by the board shall be subject to RCW 35.21.010 and shall not add additional territory, the amount of which is greater than that included in the original proposal;

(3) Determination of a division of assets and liabilities between two or more governmental units where relevant;

(4) Determination whether, or the extent to which, functions of a special purpose district are to be assumed by an incorporated city or town, metropolitan municipal corporation, or another existing special purpose district; or

(5) Disapproval of the proposal except that the board shall not have jurisdiction to disapprove the dissolution or disincorporation of a special purpose district which is not providing services but shall have jurisdiction over the determination of a division of the assets and liabilities of a dissolved or disincorporated special purpose district: **PROVIDED**, That a board shall not have jurisdiction over the division of assets and liabilities of a special

purpose district that is dissolved or disincorporated pursuant to sections 1 through 11 of this 1979 act.

Unless the board shall disapprove a proposal, it shall be presented under the appropriate statute for approval of a public body and, if required, a vote of the people. A proposal that has been modified shall be presented under the appropriate statute for approval of a public body and if required, a vote of the people. If a proposal after modification does not contain enough signatures of persons within the modified area, as are required by law, then the initiating party, parties or governmental unit has thirty days after the modification decision to secure enough signatures to satisfy the legal requirement. If the signatures cannot be secured then the proposal may be submitted to a vote of the people, as required by law.

When the board, after due proceedings held, disapproves a proposed action, such proposed action shall be unavailable, the proposing agency shall be without power to initiate the same or substantially the same as determined by the board, and any succeeding acts intended to or tending to effectuate that action shall be void, but such action may be reinitiated after a period of twelve months from date of disapproval and shall again be subject to the same consideration.

NEW SECTION. Sec. 14. Sections 1 through 11 of this act shall constitute a new chapter in Title 36 RCW.

NEW SECTION. Sec. 15. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the House March 21, 1979.

Passed the Senate April 6, 1979.

Approved by the Governor April 13, 1979.

Filed in Office of Secretary of State April 13, 1979.

CHAPTER 6

[Substitute House Bill No. 97]

FARM MOTOR VEHICLES—FREIGHT CARRIER EXEMPTIONS

AN ACT Relating to motor freight carriers; and amending section 81.80.040, chapter 14, Laws of 1961 as amended by section 7, chapter 59, Laws of 1963 and RCW 81.80.040.

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

Section 1. Section 81.80.040, chapter 14, Laws of 1961 as amended by section 7, chapter 59, Laws of 1963 and RCW 81.80.040 are each amended to read as follows:

The provisions of this chapter, except where specifically otherwise provided, and except the provisions providing for licenses, shall not apply to:

(1) Motor vehicles when operated in transportation exclusively within the corporate limits of any city or town of less than ten thousand population unless contiguous to a city or town of ten thousand population or over, nor between contiguous cities or towns both or all of which are less than ten thousand population;

(2) Motor vehicles when operated in transportation wholly within the corporate limits of cities or towns of ten thousand or more but less than thirty thousand population, or between such cities or towns when contiguous, as to which the commission, after investigation and the issuance of an order thereon, has determined that no substantial public interest exists which requires that such transportation be subject to regulation under this chapter;

(3) Motor vehicles when transporting exclusively the United States mail or in the transportation of newspapers or periodicals;

(4) Motor vehicles owned and operated by the United States, the state of Washington, or any county, city, town, or municipality therein, or by any department of them, or either of them;

(5) Motor vehicles specially constructed for towing disabled vehicles or wrecking and not otherwise used in transporting goods for compensation;

(6) Motor vehicles normally owned and operated by farmers in the transportation of their own farm, orchard, or dairy products, including livestock and plant or animal wastes, from point of production to market, or in the infrequent or seasonal transportation by one farmer for another (~~in his immediate neighborhood~~) farmer, if their farms are located within twenty miles of each other, of products of the farm, orchard, or dairy, including livestock and plant or animal wastes, or of supplies or commodities to be used on the farm, orchard, or dairy;

(7) Motor vehicles when transporting exclusively water in connection with construction projects only.

Passed the House March 21, 1979.

Passed the Senate April 6, 1979.

Approved by the Governor April 13, 1979.

Filed in Office of Secretary of State April 13, 1979.

CHAPTER 7

[House Bill No. 114]

HANDICAPPED PARKING PRIVILEGE—LUNG DISEASE

AN ACT Relating to handicapped drivers; and amending section 1, chapter 128, Laws of 1961 as last amended by section 1, chapter 102, Laws of 1975-'76 2nd ex. sess. and RCW 46.16.380.

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

Section 1. Section 1, chapter 128, Laws of 1961 as last amended by section 1, chapter 102, Laws of 1975-'76 2nd ex. sess. and RCW 46.16.380 are each amended to read as follows:

Any person who shall submit satisfactory proof to the director that he or she has lost both of his or her lower extremities, or who has lost the normal or full use thereof, or who is so severely disabled as to be unable to move without the aid of crutches or a wheelchair or who has lost both hands, or who suffers from lung disease to such an extent that forced expiratory respiratory volume, when measured by spirometry, is less than one liter per second, shall be entitled to receive a special card to be left in a vehicle in a conspicuous place, bearing distinguishing marks, letters or numerals indicating that the vehicle is being used to transport such a privileged person. Such a privileged person shall also be entitled to receive for one motor vehicle only, a special decal to be affixed to the vehicle in a conspicuous place designated by the director, bearing distinguishing marks, letters or numerals indicating that the vehicle is owned by or primarily used for such a privileged person. Whenever such owner transfers or assigns his interest in such vehicle, the special decal shall be removed. Such person shall immediately surrender the decal to the director together with a notice of the transfer of interest in such vehicle. If another vehicle is acquired by, or for the primary use of, such person, a new decal shall be issued by the director. Application for renewal, except for the permanently disabled who shall be issued a permanent card, must be made by January 10th of each renewal year together with satisfactory proof of the right to continued use of such special card and decal. No additional fees shall be charged for the issuance of such special card and decal. The director shall promulgate such rules and regulations as he deems necessary to carry into effect this section.

Any unauthorized use of such distinguishing card and decal shall constitute a gross misdemeanor.

Passed the House March 21, 1979.

Passed the Senate April 6, 1979.

Approved by the Governor April 13, 1979.

Filed in Office of Secretary of State April 13, 1979.

CHAPTER 8

[Substitute House Bill No. 188]

FOREST FIRE PROTECTION—SELECTIVE SNAG REMOVAL

AN ACT Relating to forest protection; amending section 1, chapter 13, Laws of 1951 and RCW 76.04.222; amending section 11, chapter 184, Laws of 1923 and RCW 76.04.120; repealing section 2, chapter 13, Laws of 1951, section 3, chapter 142, Laws of 1955 and RCW 76.04.223; repealing section 3, chapter 13, Laws of 1951, section 4, chapter 142, Laws of 1955 and RCW 76.04.224; repealing section 4, chapter 13, Laws of 1951, section 5, chapter 142, Laws of 1955, section 6, chapter 111, Laws of 1957 and RCW 76.04.225; repealing section 5, chapter 13, Laws of 1951, section 6, chapter 142, Laws of 1955 and RCW 76.04.226; repealing section 6, chapter 13, Laws of 1951, section 7, chapter 142,

Laws of 1955 and RCW 76.04.227; repealing section 1, chapter 67, Laws of 1921 and RCW 76.04.450; repealing section 2, chapter 67, Laws of 1921, section 1, chapter 143, Laws of 1923 and RCW 76.04.460; repealing section 3, chapter 67, Laws of 1921, section 2, chapter 143, Laws of 1923 and RCW 76.04.470; repealing section 4, chapter 67, Laws of 1921, section 3, chapter 143, Laws of 1923 and RCW 76.04.480; and repealing section 6, chapter 67, Laws of 1921, section 4, chapter 143, Laws of 1923 and RCW 76.04.485.

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

Section 1. Section 1, chapter 13, Laws of 1951 and RCW 76.04.222 are each amended to read as follows:

Standing dead trees constitute ~~((the greatest single detriment))~~ a substantial deterrent to effective fire control action in ~~((the))~~ forest areas, but are also an important and essential habitat for many species of wildlife. To insure continued existence of these wildlife species and continued forest growth ~~((free from))~~ while minimizing the risk of destruction by conflagration, only certain snags must be felled currently with the logging. The department shall promulgate rules and regulations relating to effective fire control action to require that only certain snags be felled, taking into consideration the need to protect the wildlife habitat.

Sec. 2. Section 11, chapter 184, Laws of 1923 and RCW 76.04.120 are each amended to read as follows:

Any person who shall wilfully violate any of the orders, rules or regulations made by the ~~((director of the department of conservation and development of the state of Washington))~~ department in accordance with the authority granted by the provisions of ~~((Title XXXVI of Remington's Compiled Statutes of Washington 1922;))~~ chapter 76.04 RCW for the protection of forests from fires, shall be guilty of a misdemeanor.

NEW SECTION. Sec. 3. The following acts or parts of acts are each repealed:

- (1) Section 2, chapter 13, Laws of 1951, section 3, chapter 142, Laws of 1955 and RCW 76.04.223;
- (2) Section 3, chapter 13, Laws of 1951, section 4, chapter 142, Laws of 1955 and RCW 76.04.224;
- (3) Section 4, chapter 13, Laws of 1951, section 5, chapter 142, Laws of 1955, section 6, chapter 111, Laws of 1957 and RCW 76.04.225;
- (4) Section 5, chapter 13, Laws of 1951, section 6, chapter 142, Laws of 1955 and RCW 76.04.226;
- (5) Section 6, chapter 13, Laws of 1951, section 7, chapter 142, Laws of 1955 and RCW 76.04.227;
- (6) Section 1, chapter 67, Laws of 1921 and RCW 76.04.450;
- (7) Section 2, chapter 67, Laws of 1921, section 1, chapter 143, Laws of 1923 and RCW 76.04.460;
- (8) Section 3, chapter 67, Laws of 1921, section 2, chapter 143, Laws of 1923 and RCW 76.04.470;
- (9) Section 4, chapter 67, Laws of 1921, section 3, chapter 143, Laws of 1923 and RCW 76.04.480; and

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(10) Section 6, chapter 67, Laws of 1921, section 4, chapter 143, Laws of 1923 and RCW 76.04.485.

Passed the House March 21, 1979.

Passed the Senate April 6, 1979.

Approved by the Governor April 13, 1979.

Filed in Office of Secretary of State April 13, 1979.

CHAPTER 9

[House Bill No. 691]

**WASHINGTON STATE UNIVERSITY COOPERATIVE EXTENSION SERVICE—
FEDERAL CIVIL SERVICE APPOINTEES—STATE INSURANCE, HEALTH
CARE—EXCLUSION**

AN ACT Relating to state employees' insurance and health care; creating new sections; adding a new section to chapter 41.05 RCW; and declaring an emergency.

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

NEW SECTION. Section 1. There is added to chapter 41.05 RCW a new section to read as follows:

The provisions of this chapter shall not be applicable to any employee of the Washington State University Cooperative Extension Service who holds a federal civil service appointment and is thereby eligible for insurance coverage under the regulations of the United States Department of Agriculture and the United States Civil Service Commission, and which employee elects participation in the federal programs in lieu of the programs established pursuant to this chapter. Such election may be made only once.

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

Passed the House March 21, 1979.

Passed the Senate April 6, 1979.

Approved by the Governor April 13, 1979.

Filed in Office of Secretary of State April 13, 1979.

CHAPTER 10

[Senate Bill No. 2015]

THE SQUARE DANCE—OFFICIAL STATE DANCE

AN ACT Relating to the naming of a state dance; and adding a new section to chapter 1.20 RCW.

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

NEW SECTION. Section 1. There is added to chapter 1.20 RCW a new section to read as follows:

The square dance is designated as the official dance of the state of Washington.

Passed the Senate March 21, 1979.

Passed the House April 9, 1979.

Approved by the Governor April 17, 1979.

Filed in Office of Secretary of State April 17, 1979.

CHAPTER 11

[Engrossed Senate Bill No. 2053]

JOINT PARK AND RECREATION DISTRICTS—MULTI-COUNTY FORMATION

AN ACT Relating to park and recreation districts; adding new sections to chapter 36.69 RCW; and declaring an emergency.

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

NEW SECTION. Section 1. A park and recreation district may be formed encompassing portions of two or more counties. Such a district shall be known as a joint park and recreation district and shall have all powers and duties of a park and recreation district. The procedures established in this chapter for the formation of a park and recreation district shall be followed in the formation of a joint park and recreation district except as otherwise provided by sections 2, 3, and 4 of this act.

NEW SECTION. Sec. 2. The formation of a joint park and recreation district shall be initiated by a petition as prescribed in RCW 36.69.020. The petition shall be filed with the county auditor of one of the counties within which a portion of the proposed joint district is located. A copy of the petition shall be filed with the county auditor of the other county or counties within which a portion of the proposed joint district is located. The county auditors shall jointly certify the sufficiency or insufficiency of the petition to the legislative authorities of the counties.

NEW SECTION. Sec. 3. (1) If the petition filed under section 2 of this act is found to contain a sufficient number of signatures, the legislative authority of each county shall set a time for a hearing on the petition for the formation of a park and recreation district as prescribed in RCW 36.69.040.

(2) At the public hearing the legislative authority for each authority for each county shall fix the boundaries for that portion of the proposed park and recreation district that lies within the county as provided in RCW 36.69.050. Each county shall notify the other county or counties of the determination of the boundaries within ten days.

(3) If the territories created by the county legislative authorities are not contiguous, a joint park and recreation district shall not be formed. If the territories are contiguous, the county containing the portion of the proposed joint district having the larger population shall determine the name of the proposed joint district.

(4) If the proposed district encompasses portions of two counties, the county containing the portion of the district having the larger population shall divide the territory into three subdivisions and shall name three resident electors as prescribed by RCW 36.69.060. The county containing the territory having the smaller population shall divide that territory into two subdivisions and name two resident electors.

(5) If the proposed district encompasses portions of more than two counties, the district shall be divided into five subdivisions and resident electors shall be named as follows:

The number of subdivisions and resident electors to be established by each county shall reflect the proportion of population within each county portion of the proposed district in relation to the total population of the proposed district, provided that each county shall designate one subdivision and one resident elector.

(6) The proposition for the formation of the proposed joint park and recreation district shall be submitted to the voters of the district at the next general election, which election shall be conducted as required by RCW 36.69.070 and 36.69.080.

NEW SECTION. Sec. 4. For all purposes essential to the maintenance, operation, and administration of a joint park and recreation district, including the apportionment of any funds, the county in which a joint park and recreation district shall be considered as belonging shall be the county containing the largest population of the joint district. Whenever the laws relating to park and recreation districts provide for an action by a county officer, the action, if required to be performed on behalf of a joint park and recreation district, shall be performed by the proper officer of the county to which the joint district belongs, except as otherwise provided by law. This delegation of authority extends but is not limited to:

(1) The declaration by the county legislative authority of the election results, as required by RCW 36.69.080;

(2) The filing of declarations of candidacy with the county auditor under RCW 36.69.090;

(3) The issuance of warrants by the county treasurer under RCW 36.69.150;

(4) The duties of the county treasurer and auditor in the establishment and operation of a local improvement district under RCW 36.69.200, 36.69.220, 36.69.240, and 36.69.300. If the local improvement district is located wholly within any one of the participating counties, then the officers of that county shall perform the duties relating to that local improvement district; and

(5) Receipt by the county treasurer of payments of revenue bonds under RCW 36.69.370.

NEW SECTION. Sec. 5. Population determinations for the purposes of sections 3 and 4 of this act shall be made by the office of financial management.

NEW SECTION. Sec. 6. Sections 1 through 5 of this act are added to chapter 36.69 RCW.

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.

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 March 21, 1979.

Passed the House April 9, 1979.

Approved by the Governor April 17, 1979.

Filed in Office of Secretary of State April 17, 1979.

CHAPTER 12

[Engrossed Substitute Senate Bill No. 2194]

INSTITUTIONS OF HIGHER EDUCATION—PUBLIC WORKS—PUBLIC BID REQUIREMENT

AN ACT Relating to institutions of higher education; amending section 1, chapter 258, Laws of 1971 ex. sess. as amended by section 14, chapter 169, Laws of 1977 ex. sess. and RCW 28B.10.350; and amending section 28B.50.330, chapter 223, Laws of 1969 ex. sess. and RCW 28B.50.330.

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

Section 1. Section 1, chapter 258, Laws of 1971 ex. sess. as amended by section 14, chapter 169, Laws of 1977 ex. sess. and RCW 28B.10.350 are each amended to read as follows:

When the cost to The Evergreen State College, any regional university, or state university of any building, construction, renovation, remodeling, or demolition other than ordinary maintenance or equipment repairs will equal or exceed the sum of (~~ten~~) seventeen thousand five hundred dollars, complete plans and specifications for such work shall be prepared and such work shall be put out for public bids and the contract shall be awarded to the lowest responsible bidder if in accordance with the bid specifications: PROVIDED, That when the estimated cost of such building, construction, renovation, remodeling, or demolition equals or exceeds the sum of (~~ten~~) seventeen thousand five hundred dollars, such project shall be deemed a public works and "the prevailing rate of wage(~~(ⁿ)~~)," under chapter 39.12 RCW shall be applicable thereto: PROVIDED FURTHER, That when

such building, construction, renovation, remodeling, or demolition involves one trade or craft area and the estimated cost exceeds ten thousand dollars, complete plans and specifications for such work shall be prepared and such work shall be put out for public bids, and the contract shall be awarded to the lowest responsible bidder if in accordance with the bid specifications: PROVIDED FURTHER, That any project regardless of dollar amount may be put to public bid.

Where the estimated cost to The Evergreen State College, any regional university, or state university of any building, construction, renovation, remodeling, or demolition is less than seventeen thousand five hundred dollars, the publication requirements of RCW 39.04.020 and 39.04.090 shall be inapplicable.

In the event of any emergency when the public interest or property of The Evergreen State College, regional university, or state university would suffer material injury or damage by delay, the president of such college or university may declare the existence of such an emergency and reciting the facts constituting the same may waive the requirements of this section with reference to any contract in order to correct the condition causing the emergency: PROVIDED, That an "emergency(~~(²)~~)," for the purposes of this section, means a condition likely to result in immediate physical injury to persons or to property of (~~(the institution of higher education)~~) such college or university in the absence of prompt remedial action or a condition which immediately impairs the institution's ability to perform its educational obligations.

Sec. 2. Section 28B.50.330, chapter 223, Laws of 1969 ex. sess. and RCW 28B.50.330 are each amended to read as follows:

The boards of trustees of community college districts are empowered in accordance with the provisions of this chapter to provide for the construction, reconstruction, erection, equipping, demolition, and major alterations of buildings and other capital assets, and the acquisition of sites, rights-of-way, easements, improvements, or appurtenances for the use of the aforementioned colleges as authorized by the college board in accordance with RCW 28B.50.140; to be financed by bonds payable out of special funds from revenues hereafter derived from income received from such facilities, gifts, bequests, or grants, and such additional funds as the legislature may provide, and payable out of a bond retirement fund to be established by the respective district boards in accordance with rules and regulations of the state board. With respect to building, improvements, or repairs, or other work, (~~(the trustees shall have and be subject to the same powers or duties as are authorized and imposed upon school directors by the provisions of RCW 28A.58.135 as now or hereafter amended)~~) where the estimated cost exceeds five thousand dollars, complete plans and specifications for such work shall be prepared and such work shall be prepared and such work shall be put out for public bids and the contract shall be awarded to the lowest

responsible bidder if in accordance with the bid specifications: PROVIDED, That any project regardless of dollar amount may be put to public bid.

Where the estimated cost to any community college of any building, improvements, or repairs, or other work, is less than five thousand dollars, the publication requirements of RCW 39.04.020 and 39.04.090 shall be inapplicable.

NEW SECTION. Sec. 3. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the Senate March 22, 1979.

Passed the House April 9, 1979.

Approved by the Governor April 17, 1979.

Filed in Office of Secretary of State April 17, 1979.

CHAPTER 13

[Substitute Senate Bill No. 2306]

FRANCHISE INVESTMENT PROTECTION—ENFORCEMENT— INVESTIGATIVE, SUBPOENA POWER—CEASE AND DESIST ORDERS

AN ACT Relating to franchises; amending section 21, chapter 252, Laws of 1971 ex. sess. as amended by section 13, chapter 116, Laws of 1972 ex. sess. and RCW 19.100.210; and adding new sections to chapter 252, Laws of 1971 ex. sess. and to chapter 19.100 RCW.

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

Section 1. Section 21, chapter 252, Laws of 1971 ex. sess. as amended by section 13, chapter 116, Laws of 1972 ex. sess. and RCW 19.100.210 are each amended to read as follows:

(1) The attorney general may bring an action in the name of the state against any person to restrain and prevent the doing of any act herein prohibited or declared to be unlawful (~~and~~). 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 prevailing party may in the discretion of the court recover the costs of such action including a reasonable attorneys' fee.

(2) Every person who shall violate the terms of any injunction issued as in this chapter provided shall forfeit and pay a civil penalty of not more than twenty-five thousand dollars.

Every person who violates RCW 19.100.020, 19.100.080, 19.100.150 and 19.100.170 as now or hereafter amended shall forfeit a civil penalty of not more than two thousand dollars for each violation.

For the purpose of this section the superior court issuing an injunction shall retain jurisdiction and the cause shall be continued and in such cases

the attorney general acting in the name of the state may petition for the recovery of civil penalties.

In the enforcement of this chapter, the attorney general may accept an assurance of discontinuance with the provisions of this chapter from any person deemed by the attorney general in violation hereof. Any such assurance shall be in writing, shall state that the person giving such assurance does not admit to any violation of this chapter or to any facts alleged by the attorney general, and shall be filed with and subject to the approval of the superior court of the county in which the alleged violator resides or has his principal place of business, or in Thurston county. Proof of failure to comply with the assurance of discontinuance shall be prima facie evidence of a violation of this chapter.

(3) Any person who wilfully violates any provision of this chapter or who wilfully violates any rule adopted or order issued under this chapter shall upon conviction be fined not more than five thousand dollars or imprisoned for not more than ten years or both, but no person may be imprisoned for the violation of any rule or order if he proves that he had no knowledge of the rule or order. No indictment or information may be returned under this chapter more than five years after the alleged violation.

(4) Nothing in this chapter limits the power of the state to punish any person for any conduct which constitutes a crime by statute or at common law.

NEW SECTION. Sec. 2. There is added to chapter 252, Laws of 1971 ex. sess. and to chapter 19.100 RCW a new section to read as follows:

The director, in the director's discretion, may: (1) Annually, or more frequently, make such public or private investigations within or without this state as the director deems necessary to determine whether any registration should be granted, denied, revoked, or suspended, or whether any person has violated or is about to violate a provision of this chapter or any rule adopted or order issued under this chapter, or to aid in the enforcement of this chapter or in the prescribing of rules and forms under this chapter; and (2) publish information concerning a violation of this chapter or a rule adopted or order issued under this chapter.

NEW SECTION. Sec. 3. There is added to chapter 252, Laws of 1971 ex. sess. and to chapter 19.100 RCW a new section to read as follows:

For the purpose of any investigation or proceeding under this chapter, the director or any officer designated by the director 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.

In case of wilful failure on the part of a person to comply with a subpoena lawfully issued by the director, or on the refusal of a witness to testify to matters regarding which the witness may be lawfully interrogated, the

superior court of any county, 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 a subpoena issued from the court or a refusal to testify therein.

NEW SECTION. Sec. 4. There is added to chapter 252, Laws of 1971 ex. sess. and to chapter 19.100 RCW a new section to read as follows:

If it appears to the director that a person has engaged or is about to engage in an act or practice constituting a violation of a provision of this chapter or a rule adopted or order issued under this chapter, the director may, in the director's discretion, issue an order directing the person to cease and desist from continuing the act or practice. Reasonable notice of and opportunity for a hearing shall be given. 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 the notice.

NEW SECTION. Sec. 5. 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 March 21, 1979.
Passed the House April 9, 1979.
Approved by the Governor April 17, 1979.
Filed in Office of Secretary of State April 17, 1979.

CHAPTER 14

[House Bill No. 113]

VOCATIONAL REHABILITATION SERVICE PURCHASES—COMPETITIVE BID EXEMPTION

AN ACT Relating to purchases for vocational rehabilitation clients; and amending section 43.19.1906, chapter 8, Laws of 1965 as last amended by section 5, chapter 270, Laws of 1977 ex. sess. and RCW 43.19.1906; and declaring an emergency.

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

Section 1. Section 43.19.1906, chapter 8, Laws of 1965 as last amended by section 5, chapter 270, Laws of 1977 ex. sess. and RCW 43.19.1906 are each amended to read as follows:

Insofar as practicable, all purchases and sales shall be based on competitive bids and a formal sealed bid procedure shall be used as standard procedure for all purchases and contracts for purchases and sales executed by the state purchasing and material control director and under the powers granted by RCW 43.19.190 through 43.19.1939, as now or hereafter amended. This requirement shall also apply to purchases and contracts for

purchases and sales executed by agencies, including educational institutions, under delegated authority granted in accordance with provisions of RCW 43.19.190 as now or hereafter amended. However, formal sealed bidding shall not be necessary for:

(1) Emergency purchases if such sealed bidding procedure would prevent or hinder the emergency from being met appropriately;

(2) Purchases not exceeding twenty-five hundred dollars: PROVIDED, That the state director of general administration shall establish procedures to assure that purchases made by or on behalf of the various state agencies shall not be made so as to avoid the twenty-five hundred dollar bid limitation: PROVIDED FURTHER, That the state purchasing and material control director is authorized to reduce this formal sealed bid limit of twenty-five hundred dollars to a lower dollar amount for purchases by individual state agencies, including purchases of specialized equipment, instructional, and research materials by colleges and universities, if considered necessary to maintain full disclosure of competitive procurement or otherwise to achieve overall state efficiency and economy in purchasing and material control. Quotations from two hundred dollars to twenty-five hundred dollars shall be secured from enough vendors to assure establishment of a competitive price. A record of competition for all such purchases from two hundred dollars to twenty-five hundred dollars shall be documented for audit purposes on a standard state form approved by the forms management center under the provisions of RCW 43.19.510. Purchases up to two hundred dollars may be made without competitive bids based on buyer experience and knowledge of the market in achieving maximum quality at minimum cost: PROVIDED, That this two hundred dollar direct buy limit without competitive bids may be increased incrementally as required to a maximum of four hundred dollars by unanimous vote by all members of the state supply management advisory board, if warranted by increases in purchasing costs due to inflationary trends;

(3) Purchases which are clearly and legitimately limited to a single source of supply and purchases involving special facilities, services, or market conditions, in which instances the purchase price may be best established by direct negotiation; (~~and~~)

(4) Purchases of insurance and bonds by the risk management office under RCW 43.19.1935 as now or hereafter amended; and

(5) Purchases and contracts for vocational rehabilitation clients of the department of social and health services: PROVIDED, That this exemption shall be effective only when the state purchasing and material control director, after consultation with the director of the division of vocational rehabilitation and appropriate department of social and health services procurement personnel, declares that such purchases may be best executed through direct negotiation with one or more suppliers in order to expeditiously meet the special needs of the state's vocational rehabilitation clients.

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

Passed the House March 21, 1979.

Passed the Senate April 6, 1979.

Approved by the Governor April 17, 1979.

Filed in Office of Secretary of State April 17, 1979.

CHAPTER 15

[Substitute House Bill No. 201]

INSTITUTIONS OF HIGHER EDUCATION—RESIDENT STUDENT CLASSIFICATION—APPLICATION

AN ACT Relating to institutions of higher education; and amending section 3, chapter 273, Laws of 1971 ex. sess. as amended by section 2, chapter 149, Laws of 1972 ex. sess. and RCW 28B.15.013.

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

Section 1. Section 3, chapter 273, Laws of 1971 ex. sess. as amended by section 2, chapter 149, Laws of 1972 ex. sess. and RCW 28B.15.013 are each amended to read as follows:

(1) The establishment of a new domicile in the state of Washington by a qualified person formerly domiciled in another state has occurred if ~~((he))~~ such person is physically present in Washington and can show satisfactory proof that ~~((he))~~ such person is without a present intention to return to such other state or to acquire a domicile at some other place outside of Washington.

(2) Except as provided in subsection (3)(d) of this section, an unemancipated minor shall be classified as a resident student only if ~~((his))~~ such minor's parents or legally appointed guardian or person having legal custody shall have established a domicile in this state.

(3) Unless proven to the contrary it shall be presumed that:

(a) The domicile of an unemancipated minor is that of ~~((his))~~ such minor's father; or if no father, that of ~~((his))~~ such minor's mother; or if there is a legally appointed guardian, that of such guardian: PROVIDED, That if one parent has legal custody of the minor, the domicile of such minor shall be that of such parent except as otherwise provided in subsection (3)(d) of this section.

(b) The domicile of any qualified person, including a married woman, shall be determined according to the individual's situation and circumstances rather than by marital status or sex.

(c) A person does not lose a domicile in the state of Washington by reason of ~~((his residence))~~ residency in any state or country while a member of the civil or military service of this state or of the United States, nor while

engaged in the navigation of the waters of this state or of the United States or of the high seas; any resident student who remains in this state when ~~((his))~~ such student's parents, having theretofore been domiciled in this state, remove from this state, shall be entitled to classification as a resident student so long as ~~((his))~~ such student's attendance (except summer sessions) at an institution in this state is continuous.

(d) The establishment of a domicile in the state of Washington in accordance with the provisions of this section by the parent of a parent-qualified student shall entitle the student to classification as a resident student.

(4) To aid the institution in deciding whether a student, parent, legally appointed guardian or the person having legal custody of a student is domiciled in the state of Washington the following rules shall be applied:

(a) Failure to register or to pay state taxes or fees on a motor vehicle, mobile home, travel trailer, boat, or any other item of personal property for which state registration or the payment of a state tax or fee is required is conclusive evidence of a failure to establish a Washington domicile.

(b) Attendance at an institution with the aid of financial assistance provided by another state or governmental unit or agency thereof is conclusive evidence of a failure to establish a Washington domicile.

(c) Permanent full time employment in Washington by a person will be a factor in considering the establishment of a Washington domicile.

(d) Registration to vote for state officials in Washington will be a factor in considering the establishment of a Washington domicile.

(e) Any person not a citizen of the United States cannot establish a Washington domicile until such person is eligible and has applied for an immigration visa, unless such person is the dependent minor of a parent or legal guardian who is domiciled in Washington.

(5) After a student has registered at an institution ~~((his))~~ such student's classification shall remain unchanged in the absence of satisfactory evidence to the contrary. A student wishing to apply for a change in classification shall reduce such evidence to writing and file it with the institution. In any case involving an application for a change from nonresident to resident status, the burden of proof shall rest with the applicant. Any change in classification, either nonresident to resident, or the reverse, shall be based upon written evidence maintained in the files of the institution and, if approved, shall take effect ~~((on the first day of))~~ the semester or quarter ~~((following the date))~~ such evidence was filed with the institution: PROVIDED, That applications for a change in classification shall be accepted up to the thirtieth calendar day following the first day of instruction of the quarter or semester for which application is made. Any determination of

classification shall be considered a ruling on a contested case subject to review only under procedures prescribed by chapter 28B.19 RCW.

Passed the House March 21, 1979.

Passed the Senate April 6, 1979.

Approved by the Governor April 17, 1979.

Filed in Office of Secretary of State April 17, 1979.

CHAPTER 16

[House Bill No. 413]

SCHOOL DISTRICTS—REAL PROPERTY SALES—NOTICE—PUBLIC HEARING

AN ACT Relating to the common schools; and amending section 28A.58.045, chapter 223, Laws of 1969 ex. sess. as amended by section 1, chapter 243, Laws of 1975 1st ex. sess. and RCW 28A.58.045.

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

Section 1. Section 28A.58.045, chapter 223, Laws of 1969 ex. sess. as amended by section 1, chapter 243, Laws of 1975 1st ex. sess. and RCW 28A.58.045 are each amended to read as follows:

(1) The board of directors of any school district of this state may:

~~((+))~~ (a) Sell for cash, at public or private sale, and convey by deed all interest of the district in or to any of the real property of the district which is no longer required for school purposes ~~((if the value thereof is thirty-five thousand dollars or less))~~; and

~~((+))~~ (b) Purchase real property for the purpose of locating thereon and affixing thereto any house or houses and appurtenant buildings removed from school sites owned by the district and sell for cash, at public or private sale, and convey by deed all interest of the district in or to such acquired and improved real property ~~((if the value of any single parcel thereof is thirty-five thousand dollars or less))~~.

(2) When the board of directors of any school district proposes a sale of school district real property pursuant to this section and the value of the property exceeds seventy thousand dollars, the board shall publish a notice of its intention to sell the property. The notice shall be published at least once each week during two consecutive weeks in a legal newspaper with a general circulation in the area in which the school district is located. The notice shall describe the property to be sold and designate the place where and the day and hour when a hearing will be held. The board shall hold a public hearing upon the proposal to dispose of the school district property at the place and the day and hour fixed in the notice and admit evidence offered for and against the propriety and advisability of the proposed sale.

(3) Any sale of school district real property authorized pursuant to this section shall be preceded by a market value appraisal by three licensed real estate brokers selected by the board of directors and no sale shall take place

if the sale price would be less than ninety percent of such appraised market value: PROVIDED, That if the property has been on the market for three years or more the property may be sold for not less than seventy-five percent of the appraised value with the unanimous consent of the board.

~~((If the appraised value of any parcel of real property considered for sale is found by the board of directors to be greater than thirty-five thousand dollars, the question of the sale thereof shall be submitted to a vote of the voters of the district, either at a general or special election called for that purpose. If a majority of the votes cast thereat favor the sale of such real property the board may make the sale. The sale may be made at public auction or by other means consistent with realizing the highest sale price.))~~

(4) If in the judgment of the board of directors of any district the sale of real property of the district not needed for school purposes would be facilitated and greater value realized through use of the services of licensed real estate brokers, a contract for such services may be negotiated and concluded: PROVIDED, That the fee or commissions charged for any broker services shall not exceed seven percent of the resulting sale value for a single parcel: PROVIDED FURTHER, That any licensed real estate broker selected by the board to appraise the market value of a parcel of property to be sold may not be a party to any contract with the school district to sell such parcel of property for a period of three years after the appraisal.

(5) If in the judgment of the board of directors of any district the sale of real property of the district not needed for school purposes would be facilitated and greater value realized through sale on contract terms, a real estate sales contract may be executed between the district and buyer: PROVIDED, That the terms and conditions of any such sales contract must comply with rules and regulations of the state board of education, herein authorized, governing school district real property contract sales.

Passed the House March 21, 1979.

Passed the Senate April 9, 1979.

Approved by the Governor April 17, 1979.

Filed in Office of Secretary of State April 17, 1979.

CHAPTER 17

[House Bill No. 862]

COUNTY HOSPITALS—TRUSTEES—TRAVEL EXPENSE REIMBURSEMENT

AN ACT Relating to county hospitals; and amending section 36.62.200, chapter 4, Laws of 1963 and RCW 36.62.200.

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

Section 1. Section 36.62.200, chapter 4, Laws of 1963 and RCW 36.62-.200 are each amended to read as follows:

No trustee, except the ex officio member, shall receive any compensation or emolument whatever for services as trustee; nor shall any trustee have or acquire any personal interest in any lease or contract whatsoever, made by the county or board of trustees with respect to such hospital or institution; PROVIDED, That each member of a board of trustees of a county hospital may be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended: PROVIDED FURTHER, That, in addition, trustees of a county hospital shall be reimbursed for travel expenses for traveling from their home to a trustee meeting at a rate provided for in RCW 43.03.060 as now existing or hereafter amended.

Passed the House March 29, 1979.

Passed the Senate April 9, 1979.

Approved by the Governor April 17, 1979.

Filed in Office of Secretary of State April 17, 1979.

CHAPTER 18

[House Bill No. 1325]

CITIES AND TOWNS—OPTIONAL MUNICIPAL CODE—ORGANIZATION, REORGANIZATION—OFFICERS' ELECTIONS—GOVERNING BODY MEETINGS

AN ACT Relating to the optional municipal code; amending section 35A.02.010, chapter 119, Laws of 1967 ex. sess. and RCW 35A.02.010; amending section 35A.02.020, chapter 119, Laws of 1967 ex. sess. and RCW 35A.02.020; amending section 35A.02.025, chapter 119, Laws of 1967 ex. sess. and RCW 35A.02.025; amending section 35A.02.030, chapter 119, Laws of 1967 ex. sess. and RCW 35A.02.030; amending section 35A.02.040, chapter 119, Laws of 1967 ex. sess. as amended by section 1, chapter 52, Laws of 1970 ex. sess. and RCW 35A.02.040; amending section 35A.02.050, chapter 119, Laws of 1967 ex. sess. as last amended by section 1, chapter 251, Laws of 1971 ex. sess. and RCW 35A.02.050; amending section 35A.02.110, chapter 119, Laws of 1967 ex. sess. and RCW 35A.02.110; amending section 35A.03.010, chapter 119, Laws of 1967 ex. sess. and RCW 35A.03.010; amending section 35A.04.020, chapter 119, Laws of 1967 ex. sess. and RCW 35A.04.020; amending section 35A.04.070, chapter 119, Laws of 1967 ex. sess. as amended by section 13, chapter 220, Laws of 1975 1st ex. sess. and RCW 35A.04.070; amending section 35A.04.080, chapter 119, Laws of 1967 ex. sess. and RCW 35A.04.080; amending section 35A.06.030, chapter 119, Laws of 1967 ex. sess. as amended by section 13, chapter 251, Laws of 1971 ex. sess. and RCW 35A.06.030; amending section 35A.06.050, chapter 119, Laws of 1967 ex. sess. and RCW 35A.06.050; amending section 35A.06.060, chapter 119, Laws of 1967 ex. sess. and RCW 35A.06.060; amending section 35A.11.040, chapter 119, Laws of 1967 ex. sess. and RCW 35A.11.040; amending section 1, chapter 81, Laws of 1973 1st ex. sess. and RCW 35A.11.080; amending section 35A.12.010, chapter 119, Laws of 1967 ex. sess. and RCW 35A.12.010; amending section 35A.12.030, chapter 119, Laws of 1967 ex. sess. and RCW 35A.12.030; amending section 35A.12.040, chapter 119, Laws of 1967 ex. sess. as amended by section 3, chapter 52, Laws of 1970 ex. sess. and RCW 35A.12.040; amending section 35A.12.100, chapter 119, Laws of 1967 ex. sess. and RCW 35A.12.100; amending section 35A.12.110, chapter 119, Laws of 1967 ex. sess. and RCW 35A.12.110; amending section 35A.13.010, chapter 119, Laws of 1967 ex. sess. and RCW 35A.13.010; amending section 35A.13.040, chapter 119, Laws of 1967 ex. sess. and RCW 35A.13.040; amending section 35A.13.170, chapter 119, Laws of 1967 ex. sess. and RCW 35A.13.170; amending section 35A.14.220, chapter 119, Laws of 1967 ex. sess. as amended by section 26, chapter 195, Laws of 1973 1st ex. sess. and RCW 35A.14.220; amending section 35A.14.700, chapter 119, Laws of 1967 ex. sess. as amended by section

2, chapter 31, Laws of 1975 1st ex. sess. and RCW 35A.14.700; amending section 35A.29.090, chapter 119, Laws of 1967 ex. sess. and RCW 35A.29.090; amending section 35A.29.110, chapter 119, Laws of 1967 ex. sess. as amended by section 4, chapter 52, Laws of 1970 ex. sess. and RCW 35A.29.110; amending section 35A.29.120, chapter 119, Laws of 1967 ex. sess. and RCW 35A.29.120; amending section 35A.44.010, chapter 119, Laws of 1967 ex. sess. and RCW 35A.44.010; amending section 35A.63.020, chapter 119, Laws of 1967 ex. sess. and RCW 35A.63.020; amending section 35A.63.110, chapter 119, Laws of 1967 ex. sess. and RCW 35A.63.110; adding a new section to chapter 119, Laws of 1967 ex. sess. and to chapter 35A.01 RCW; adding a new section to chapter 119, Laws of 1967 ex. sess. and to chapter 35A.02 RCW; repealing section 35A.06.080, chapter 119, Laws of 1967 ex. sess. and RCW 35A.06.080; and declaring an emergency.

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

NEW SECTION. Section 1. There is added to chapter 119, Laws of 1967 ex. sess. and to chapter 35A.01 RCW a new section to read as follows:

Where used in this title with reference to procedures established by this title in regard to a change of plan or classification of government, unless a different meaning is plainly required by the context:

(1) "Classify" means a change from a city of the first, second, or third class, or a town, to a code city.

(2) "Classification" means either that portion of the general law under which a city or a town operates under Title 35 RCW as a first, second, or third class city, or town, or otherwise as a code city.

(3) "Organize" means to provide for officers after becoming a code city, under the same general plan of government under which the city operated prior to becoming a code city, pursuant to section 8 of this act.

(4) "Organization" means the general plan of government under which a city operates.

(5) "Plan of government" means either the mayor-council, council-manager, or commission form of government in general, without regard to variations in the number of elective offices or whether officers are elective or appointive.

(6) "Reclassify" means changing from a code city to the classification, if any, held by such a city immediately prior to becoming a code city.

(7) "Reclassification" means changing from city or town operating under Title 35 RCW to a city operating under Title 35A RCW, or vice versa; a change in classification.

(8) "Reorganize" means changing the plan of government under which a city or town operates to a different general plan of government, for which an election of new officers under RCW 35A.02.050 is required. A city or town shall not be deemed to have reorganized simply by increasing or decreasing the number of members of its legislative body.

(9) "Reorganization" means a change in general plan of government where an election of all new officers is required in order to accomplish this change, but an increase or decrease in the number of members of its legislative body shall not be deemed to constitute a reorganization.

Sec. 2. Section 35A.02.010, chapter 119, Laws of 1967 ex. sess. and RCW 35A.02.010 are each amended to read as follows:

Any incorporated city or town may become a noncharter code city in accordance with, and be governed by, the provisions of this title relating to noncharter code cities and may select one of the plans of government authorized by this title. A city or town adopting and organizing under the optional municipal code shall not be deemed to have reorganized and to have abandoned its existing general plan of government, upon changing classification and becoming a noncharter code city, solely because organizing under a plan of government authorized in this title changes the number of elective offices or changes the terms thereof, or because an office becomes appointive rather than elective, or because that city or town has come under the optional municipal code, or because of any combination of these factors.

Sec. 3. Section 35A.02.020, chapter 119, Laws of 1967 ex. sess. and RCW 35A.02.020 are each amended to read as follows:

When a petition is filed, signed by qualified electors of an incorporated city or town, in number equal to not less than fifty percent of the votes cast at the last general municipal election, seeking the adoption by the city or town of the classification of noncharter code city, either under its existing authorized plan of government or naming one of the plans of government authorized for noncharter code cities, ~~the ((legislative body of the city or town to which the petition is presented shall direct the))~~ city or town clerk shall promptly proceed to determine the sufficiency of the petition under the rules set forth in RCW 35A.01.040. If the petition is found to be sufficient, the clerk shall file with the legislative body a certificate of sufficiency of the petition. Thereupon the legislative body of such city or town shall, by resolution, declare that the inhabitants of the city or town have decided to adopt the classification of noncharter code city and to be governed under the provisions of this title. If a prayer for reorganization is included in the petition such resolution shall also declare that the inhabitants of the city or town have decided to reorganize under the plan of government specified in the petition. The legislative body shall cause such resolution to be published at least once in a newspaper of general circulation within the city or town not later than ten days after the passage of the resolution. Upon the expiration of the ninetieth day from, but excluding the date of, first publication of the resolution, if no timely and sufficient referendum petition has been filed pursuant to RCW 35A.02.025, as now or hereafter amended, as determined by RCW 35A.29.170, the legislative body at its next regular meeting shall effect the decision of the inhabitants, as expressed in the petition, by passage of an ordinance adopting for the city the classification of noncharter code city, and if the petition also sought governmental reorganization by adoption of one of the plans of government authorized for noncharter code cities involving a different general plan of government from that under which the city is operating, then the legislative body shall provide at that

time for such reorganization by ordinance and for election of all new officers pursuant to RCW 35A.02.050, as now or hereafter amended.

Sec. 4. Section 35A.02.025, chapter 119, Laws of 1967 ex. sess. and RCW 35A.02.025 are each amended to read as follows:

Upon the filing of a referendum petition in the manner provided in RCW 35A.29.170 signed by qualified electors in number equal to not less than ten percent of the votes cast in the last general municipal election, such resolution as authorized by RCW 35A.02.020 shall be referred to the voters for confirmation or rejection in the next general municipal election if one is to be held within one hundred and eighty days from the date of filing of the referendum petition, or at a special election to be called for that purpose (~~((not less than ninety days nor more than one hundred and eighty days from the date of filing such referendum petition))~~) in accordance with RCW 29.13.020.

Sec. 5. Section 35A.02.030, chapter 119, Laws of 1967 ex. sess. and RCW 35A.02.030 are each amended to read as follows:

When a majority of the legislative body of an incorporated city or town determines that it would serve the best interests and general welfare of such municipality to change the classification of such city or town to that of noncharter code city, such legislative body may, by resolution, declare its intention to adopt for the city or town the classification of noncharter code city. If the legislative body so determines, such resolution may also contain a declaration of intention to reorganize the municipal government under one of the plans of government authorized in this title, naming such plan; but it shall also be lawful for the legislative body of any incorporated city or town which is governed under a plan of government authorized prior to the time this title takes effect to adopt for the city or town the classification of noncharter code city while retaining the same general plan of government under which such city or town is then operating. Within ten days after the passage of the resolution, the legislative body shall cause it to be published at least once in a newspaper of general circulation within the city or town. Upon the expiration of the ninetieth day from, but excluding the date of first publication of the resolution, if no timely and sufficient referendum petition has been filed pursuant to RCW 35A.02.035, as determined by RCW 35A.29.170, the intent expressed in such resolution shall at the next regular meeting of the legislative body be effected by an ordinance adopting for the city or town the classification of noncharter code city; and, if the resolution includes a declaration of intention to reorganize, the legislative body shall provide at that time for such reorganization by ordinance.

Sec. 6. Section 35A.02.040, chapter 119, Laws of 1967 ex. sess. as amended by section 1, chapter 52, Laws of 1970 ex. sess. and RCW 35A.02.040 are each amended to read as follows:

When one or more ordinances are passed under RCW 35A.02.020 or ~~((RCW))~~ 35A.02.030, as now or hereafter amended, the clerk of the city or town shall forward to the secretary of state a certified copy of any such ordinance. Upon the filing in the office of the secretary of state of a certified copy of an ordinance adopting the classification of noncharter code city, such city or town shall thereafter be classified as a noncharter code city; except that if there is also filed with the secretary of state a certified copy of an ordinance providing for reorganization of the municipal government of such city or town under a different general plan of government, such reclassification and reorganization shall not be effective until the election ~~((and))~~, qualification, and assumption of office under RCW 35A.02.050 as now or hereafter amended of ~~((the))~~ at least a quorum of all new officers under the plan of government so adopted.

Sec. 7. Section 35A.02.050, chapter 119, Laws of 1967 ex. sess. as last amended by section 1, chapter 251, Laws of 1971 ex. sess. and RCW 35A.02.050 are each amended to read as follows:

The first election of officers where required for reorganization under a different general plan of government newly adopted in ~~((the))~~ a manner provided in RCW 35A.02.020 ~~((or))~~, 35A.02.030, 35A.06.030, or 35A.06.060, as now or hereafter amended, shall be at the next general municipal election if one is to be held more than ninety days but not more than one hundred and eighty days after certification of a reorganization ordinance or resolution, or otherwise at a special election to be held for that purpose ~~((not less than ninety days nor more than one hundred and eighty days from the certification of such ordinance))~~ in accordance with RCW 29.13.020. In the event that the first election of officers as herein provided is to be held at a general municipal election, such election shall be preceded by a primary election pursuant to RCW 29.21.010 and 29.13.070. In the event that the first election of all officers as herein provided is to be held at a special election rather than at a general election, and notwithstanding any provisions of any other law to the contrary, such special election shall be preceded by a primary election ~~((to be held not less than forty-five nor more than sixty days prior to the date of the special election))~~ to be held on a date authorized by RCW 29.13.010, and the persons nominated at that primary election shall be voted upon at the next succeeding special election that is authorized by RCW 29.13.010: PROVIDED, That in the event the ordinances calling for reclassification or reclassification and reorganization under the provisions of Title 35A RCW have been filed with the secretary of state pursuant to RCW 35A.02.040 in an even-numbered year at least ninety days prior to a state general election then the election of new officers shall be concurrent with the state primary and general election and shall be conducted as set forth in chapter 35A.29 RCW ~~((PROVIDED, FURTHER, That if the election of officers as provided in this section is for a period of time less than a specified two-year term or less than a specified~~

~~four-year term, such an election shall not be preceded by a primary election)). Upon reorganization, candidates for all offices shall file or be nominated for and successful candidates shall be elected to specific council positions, and an initial term or office for those elected at a first election of all officers to positions one and two for a five member council, or positions one through three for a seven member council, shall if the election occurs at a general municipal election be only until the second Monday in January first following the next general municipal election two years hence and if the election occurs at a special election, the duration of these initial terms shall be until the second Monday in January in the first even-numbered year that follows the next general municipal election. The duration of the initial term attaching to the remaining councilmanic positions shall be until the second Monday in January two years next thereafter, so that staggered regular four year terms will ultimately result. Any declarations of candidacy for any primary or other election held pursuant to this section shall be filed as provided in RCW 35A.29.110 as now or hereafter amended. ((The terms of the persons holding office at the time of such proceedings shall continue until the new officers are elected and qualified as provided in this 1970 amendatory act, and the ordinances, bylaws and resolutions adopted under the former plan of government, where not in conflict with state law, shall continue in force until repealed or amended by the legislative body of the reorganized noncharter code city:)) The former officers shall, upon the election and qualification of new officers, deliver to the proper officers of the reorganized noncharter code city all books of record, documents and papers in their possession belonging to such municipal corporation before the reorganization thereof. Officers elected at the first election of officers held pursuant to this amendatory act shall assume office as soon as the election returns have been certified.~~

NEW SECTION, Sec. 8. There is added to chapter 119, Laws of 1967 ex. sess. and to chapter 35A.02 RCW a new section to read as follows:

Where a city elects to become a noncharter code city under one of the optional plans of government provided in Title 35A RCW for code cities which involves the same general plan of government as that under which the city operated prior to the choice and where with the change in classification the number of councilmanic positions in a city remains the same or increases from five to seven, the procedures for the first election of officers which appear in RCW 35A.02.050 shall not be followed. When membership in a city council remains the same or is increased upon becoming a noncharter code city, the terms of incumbent council members shall not be affected. If the number of council members is increased from five to seven, the city council shall, by majority vote, pursuant to RCW 35A.12.050 and 35A.13.020, appoint two persons to serve in these offices until the next municipal general election, at which election one person shall be elected for a two-year term and one person shall be elected for a four-year term.

A first election of all officers upon a change in classification to a non-charter code city is also not required where the change in classification otherwise retains the same general or specific plan of government and where the change in classification results in a decrease in the number of councilmanic positions in a city.

If the membership in a city council is decreased from seven to five members upon adopting the classification of noncharter code city, this decrease in the number of council members shall be determined in the following manner: The council members shall determine by lot which two councilmanic positions shall be eliminated upon the expiration of their terms of office. The terms of the remaining council members shall not be affected.

Sec. 9. Section 35A.02.110, chapter 119, Laws of 1967 ex. sess. and RCW 35A.02.110 are each amended to read as follows:

The election officials, after counting the ballots, shall make their returns to the county auditor upon forms furnished by him within six hours after the closing of the polls; and on the Monday next succeeding the election or as soon thereafter as the county auditor has received the returns from all the precincts included therein, the county canvassing board shall canvass the returns in such election and shall forthwith certify in duplicate to the city or town clerk the whole number of votes given at the election, the number of votes in favor of reclassification and the number against it, and the number of votes in favor of each plan of government voted upon and the number against it (~~(and the number of votes received by each candidate)~~). The clerk shall lay the certificate of election before the legislative body of the city or town at its next regular meeting after the receipt of such certificate by the clerk, and if it appears that the votes cast for adoption of the classification of noncharter code city and in favor of a plan of government named on the ballot were a majority of the votes cast in such election, the council shall thereupon, by resolution, declare that the inhabitants of the city or town have decided on such reclassification and reorganization under the plan of government approved and direct the clerk to forward to the secretary of state a certified copy of the resolution.

Sec. 10. Section 35A.03.010, chapter 119, Laws of 1967 ex. sess. and RCW 35A.03.010 are each amended to read as follows:

Any area of a county containing not less than three hundred inhabitants, lying outside the limits of an incorporated city or town, may become incorporated as a noncharter code city under the provisions of this title: **PROVIDED**, That no area which lies within five air miles of the boundary of any city having a population of fifteen thousand or more shall be incorporated under the provisions of this title unless the limits of the proposed noncharter code city contain (~~(five)~~) three thousand or more inhabitants.

Sec. 11. Section 35A.04.020, chapter 119, Laws of 1967 ex. sess. and RCW 35A.04.020 are each amended to read as follows:

Any area lying in two or more counties which is not incorporated as a municipal corporation, may become incorporated as a noncharter code city under the provisions of this chapter: PROVIDED, That when any part of the area to be incorporated lies within five air miles of the boundary of any city having a population of fifteen thousand or more no petition under RCW 35.04.030 shall be valid unless the limits of the proposed city contain ~~((five))~~ three thousand or more inhabitants.

Sec. 12. Section 35A.04.070, chapter 119, Laws of 1967 ex. sess. as amended by section 13, chapter 220, Laws of 1975 1st ex. sess. and RCW 35A.04.070 are each amended to read as follows:

If upon final hearing the respective boards find that any land within their respective counties has been unjustly or improperly included within or excluded from the proposed corporation, based on the considerations stated in RCW 35A.04.060, the respective boards may change and fix the boundary lines of the portion of the proposed corporation within their respective counties in such a manner as they deem reasonable and just and conducive to the public welfare and convenience: PROVIDED, That when any part of the area to be incorporated lies within five air miles of the boundary of any city having a population of fifteen thousand or more, the area shall not be so decreased that the number of inhabitants therein shall be less than ~~((five))~~ three thousand. No land shall be so included within the boundaries described in the petition unless each board of county commissioners of that county in which the area sought to be included is located first obtains the written assent of a number of qualified voters resident within each area to be included in the proposed corporation equal in number to not less than twenty percent of the votes cast in that area at the last state election. Within five days after the final hearing each board of county commissioners shall, for the area within its respective county, by order establish and define the boundaries of the proposed corporation consistent with RCW 35A.03-.180, determine the number of inhabitants residing therein and affirm the name of the proposed corporation: PROVIDED, That for the action required after the final hearing, the boards may act jointly but in such case a majority of each board must vote favorably on such final action and the order shall be entered in the minutes of each board.

Sec. 13. Section 35A.04.080, chapter 119, Laws of 1967 ex. sess. and RCW 35A.04.080 are each amended to read as follows:

In determining the number of inhabitants within the boundaries established for the proposed noncharter code city, the population shall be determined as follows:

An actual enumeration shall be made by, or under the direction of, the board of county commissioners of each county in which a portion of the proposed corporation is located, in accordance with practices and policies,

and subject to the approval, of the state (~~(census board)~~) office of financial management; and the population so determined shall constitute the official population of the proposed corporation.

Sec. 14. Section 35A.06.030, chapter 119, Laws of 1967 ex. sess. as amended by section 13, chapter 251, Laws of 1971 ex. sess. and RCW 35A.06.030 are each amended to read as follows:

By use of the resolution for election or petition for election methods described in RCW 35A.06.040, any noncharter code city which has operated for more than six consecutive years under one of the optional plans of government authorized by this title, or for more than a combined total of six consecutive years under a particular plan of government both as a code city and under the same general plan under Title 35 RCW immediately prior to becoming a code city, may abandon such organization and may ~~((either))~~ reorganize and adopt another plan of government authorized for noncharter code cities, but only after having been a noncharter code city for more than one year or a city after operating for more than six consecutive years under a particular plan of government as a noncharter code city or may reclassify and adopt a plan of government authorized by the general law for municipalities of the highest class for which the population of such city qualifies it, or authorized for the class to which such city belonged immediately prior to becoming a noncharter code city, if any: PROVIDED, That these limitations shall not apply to a city seeking to adopt a charter.

In reorganization under a different general plan of government as a noncharter code city, officers shall all be elected as provided in RCW 35A.02.050. When a noncharter code city adopts a plan of government other than those authorized ((for noncharter code cities)) under Title 35A RCW, such city ceases to be governed under this optional municipal code and shall be classified as a city or town of the class selected in the proceeding for adoption of such new plan, with the powers granted to such class under the general law. ((Any city is authorized to adopt any plan of government provided for noncharter code cities any time after one year from the date of becoming a noncharter code city:))

Sec. 15. Section 35A.06.050, chapter 119, Laws of 1967 ex. sess. and RCW 35A.06.050 are each amended to read as follows:

The proposal for abandonment of ~~((the))~~ a plan of government ~~((under which a noncharter code city has operated for more than six years))~~ as authorized in RCW 35A.06.030 and for adoption of the plan named in the resolution or petition shall be voted upon at the next general municipal election if one is to be held within one hundred and eighty days or otherwise at a special election called for that purpose ((not less than ninety days, nor more than one hundred and eighty days after the passage of the resolution or the certification of sufficiency of the petition)) in accordance with RCW 29.13.020. The ballot title and statement of the proposition shall be prepared by the city attorney as provided in RCW 29.27.060 and 35A.29.120,

as now or hereafter amended. If the plan proposed in the petition is not a plan authorized for noncharter code cities by this title, the ballot statement shall clearly set forth that adoption of such plan by the voters would require abandonment of the classification of noncharter code city and that government would be under the general law relating to cities of the class specified in the resolution or petition. If the plan proposed in the petition is a plan authorized for noncharter code cities the ballot statement shall clearly set forth that adoption of such plan by the voters would not affect the eligibility of the noncharter code city to be governed under this optional municipal code.

Sec. 16. Section 35A.06.060, chapter 119, Laws of 1967 ex. sess. and RCW 35A.06.060 are each amended to read as follows:

If a majority of votes cast at the election favor abandonment of the general plan of government under which the noncharter code city is then organized and reorganization under the different general plan proposed in the resolution or petition, the officers to be elected (~~((at the next succeeding general municipal election))~~) shall be those prescribed by the plan of government so adopted, and they shall be elected as provided in RCW 35A.02-.050 if the city is to remain a noncharter code city, or if the city is abandoning optional municipal code status, they shall be elected at the next succeeding general municipal election. Upon the election (~~((and))~~), qualification (~~((of))~~), and assumption of office by such officers the reorganization of the government of such municipality shall be complete and such municipality shall thereafter be governed under such plan. If the plan so adopted is not a plan authorized for noncharter code cities, upon the election (~~((and))~~), qualification (~~((of))~~), and assumption of office by such officers the municipality shall cease to be a noncharter code city governed under the provisions of this optional municipal code and shall revert to the classification selected (~~((at such election))~~) and shall be governed by the general laws relating to municipalities of such class with the powers conferred by law upon municipalities of such class. Such change of classification shall not affect the then existing property rights or liabilities of the municipal corporation.

Sec. 17. Section 35A.11.040, chapter 119, Laws of 1967 ex. sess. and RCW 35A.11.040 are each amended to read as follows:

The legislative body of a code city may exercise any of its powers or perform any of its functions including purchasing, and participate in the financing thereof, jointly or in cooperation, as provided for in chapter (~~((239; Laws of 1967 [chapter 39.34 RCW]))~~) 39.34 RCW. The legislative body of a code city shall have power to accept any gift or grant for any public purpose and may carry out any conditions of such gift or grant when not in conflict with state or federal law.

Sec. 18. Section 1, chapter 81, Laws of 1973 1st ex. sess. and RCW 35A.11.080 are each amended to read as follows:

The qualified electors or legislative body of a noncharter code city may provide for the exercise in their city of the powers of initiative and referendum, upon electing so to do in the manner provided for changing the classification of a city or town in RCW 35A.02.020, 35A.02.025, 35A.02.030, and 35A.02.035, as now or hereafter amended.

The exercise of such powers may be restricted or abandoned upon electing so to do in the manner provided for abandoning the plan of government of a noncharter code city in RCW 35A.06.030, 35A.06.040, 35A.06.050, and 35A.06.060, as now or hereafter amended.

Sec. 19. Section 35A.12.010, chapter 119, Laws of 1967 ex. sess. and RCW 35A.12.010 are each amended to read as follows:

The government of any noncharter code city or charter code city electing to adopt the mayor-council plan of government authorized by this chapter shall be vested in an elected mayor and an elected council. The council of a noncharter code city having less than twenty-five hundred inhabitants shall consist of five members; when there are twenty-five hundred or more inhabitants, the council shall consist of seven members; PROVIDED, That if the population of a city after having become a code city decreases from twenty-five hundred or more to less than twenty-five hundred, it shall continue to have a seven member council. If, after a city has become a mayor-council code city, its population increases to twenty-five hundred or more inhabitants, the number of councilmanic offices in such a city shall increase from five to seven members. In that event the city council shall, by majority vote, pursuant to RCW 35A.12.050, appoint two persons to serve in these offices until the next municipal general election, at which election one person shall be elected for a two-year term and one person shall be elected for a four-year term. The number of inhabitants shall be determined by the most recent official state or federal census or determination by the state ((~~census board~~)) office of financial management. A charter adopted under the provisions of this title, incorporating the mayor-council plan of government set forth in this chapter, may provide for an uneven number of councilmen not exceeding eleven.

Sec. 20. Section 35A.12.030, chapter 119, Laws of 1967 ex. sess. and RCW 35A.12.030 are each amended to read as follows:

No person shall be eligible to hold elective office under the mayor-council plan unless ((~~he shall have been~~)) the person is a registered voter of the city at the time of filing his declaration of candidacy and has been a resident of the city for a period of at least one year next preceding his election. Residence and voting within the limits of any territory which has been included in, annexed to, or consolidated with such city is construed to have been residence within the city. A mayor or councilman shall hold within the city government no other public office or employment except as permitted under the provisions of chapter 42.23 RCW.

Sec. 21. Section 35A.12.040, chapter 119, Laws of 1967 ex. sess. as amended by section 3, chapter 52, Laws of 1970 ex. sess. and RCW 35A.12.040 are each amended to read as follows:

Officers shall be elected at biennial municipal elections to be conducted as provided in chapter 35A.29 RCW. The mayor and the councilmen shall be elected for four year terms and until their successors are elected and qualified; except that at ~~((the))~~ any first election three councilmen in cities having seven councilmen, and two councilmen in cities having five councilmen, shall be elected for two year terms and the remaining councilmen shall be elected for four year terms~~((, and the mayor in office at the time of such election shall continue for another four year term coextensive with the terms for which councilmen elected for four years are elected and there shall be no election as to mayor))~~. At any first election upon reorganization, council members shall be elected as provided in RCW 35A.02.050. Thereafter the requisite number of councilmen shall be elected biennially as the terms of their predecessors expire and shall serve for terms of four years. The positions to be filled on the city council shall be designated by consecutive numbers and shall be dealt with as separate offices for all election purposes, as provided in RCW 35A.29.105. ~~((At the first election in cities having seven councilmen, the candidates elected to positions one, two, and three shall serve for two year terms and the candidates elected to positions four, five, six and seven shall serve for four year terms; at the first election in cities having five councilmen, the candidates elected to positions one and two shall serve for two year terms and the candidates elected to positions three, four, and five shall serve for four year terms. PROVIDED, That))~~ In any city which holds its first election under this title in the calendar year 1970, candidates elected for two year terms shall hold office until their successors are elected and qualified at the general municipal election to be held in November, 1973 and candidates elected for four year terms shall hold office until their successors are elected and qualified at the general municipal election to be held in November, 1975. Election to positions on the council shall be by majority vote from the city at large, unless provision is made by charter or ordinance for election by wards. The city council shall be the judge of the qualifications of its members and determine contested elections of city officers, subject to review by certiorari as provided by law. The mayor and councilmen shall qualify by taking an oath or affirmation of office and as may be provided by law, charter, or ordinance.

Sec. 22. Section 35A.12.100, chapter 119, Laws of 1967 ex. sess. and RCW 35A.12.100 are each amended to read as follows:

The mayor shall be the chief executive and administrative officer of the city, in charge of all departments and employees, with authority to designate assistants and department heads. The mayor may appoint and remove a chief administrative officer or assistant administrative officer, if so provided by ordinance or charter. He shall see that all laws and ordinances are

faithfully enforced and that law and order is maintained in the city, and shall have general supervision of the administration of city government and all city interests. All official bonds and bonds of contractors with the city shall be submitted to the mayor or such person as he may designate for approval or disapproval. He shall see that all contracts and agreements made with the city or for its use and benefit are faithfully kept and performed, and to this end he may cause any legal proceedings to be instituted and prosecuted in the name of the city, subject to approval by majority vote of all members of the council. The mayor shall preside over all meetings of the city council, when present, but shall have a vote only in the case of a tie in the votes of the councilmen with respect to matters other than the passage of any ordinance, grant, or revocation of franchise or license, or any resolution for the payment of money. He shall report to the council concerning the affairs of the city and its financial and other needs, and shall make recommendations for council consideration and action. He shall prepare and submit to the council a proposed budget, as required by chapter 35A.33 RCW. The mayor shall have the power to veto ordinances passed by the council and submitted to him as provided in RCW 35A.12.130 but such veto may be overridden by the vote of a majority of all council members plus one more vote. The mayor shall be the official and ceremonial head of the city and shall represent the city on ceremonial occasions, except that when illness or other duties prevent the mayor's attendance at an official function and no mayor pro tempore has been appointed by the council, a member of the council or some other suitable person may be designated by the mayor to represent the city on such occasion.

Sec. 23. Section 35A.12.110, chapter 119, Laws of 1967 ex. sess. and RCW 35A.12.110 are each amended to read as follows:

The city council and mayor shall meet regularly, at least once a month, at a place within the corporate limits of the city at such times as may be fixed by ordinance or resolution. Special meetings may be called by the mayor or any three members of the council by written notice delivered to each member of the council at least ~~((twelve))~~ twenty-four hours before the time specified for the proposed meeting. All actions that have heretofore been taken at special council meetings held pursuant to this section, but for which the number of hours of notice given has been at variance with requirements of RCW 42.30.080, are hereby validated. All council meetings shall be open to the public except ((that the council may hold executive sessions from which the public is excluded for purposes other than the final adoption of an ordinance, resolution, rule, regulation, or directive)) as permitted by chapter 42.30 RCW. No ordinance or resolution shall be passed, or contract let or entered into, or bill for the payment of money allowed at any meeting not open to the public, nor at any public meeting the date of which is not fixed by ordinance, resolution, or rule, unless public notice of such meeting has been given by such notice to ~~((the local press, radio, and~~

~~television, as will be reasonably calculated to inform inhabitants of the city of the meeting))~~ each local newspaper of general circulation and to each local radio or television station, as provided in RCW 42.30.080 as now or hereafter amended. Meetings of the council shall be presided over by the mayor, if present, or otherwise by the mayor pro tempore, or deputy mayor if one has been appointed, or by a member of the council selected by a majority of the council members at such meeting. Appointment of a council member to preside over the meeting shall not in any way abridge his right to vote on matters coming before the council at such meeting. In the absence of the clerk, a deputy clerk or other qualified person appointed by the clerk, the mayor, or the council, may perform the duties of clerk at such meeting. A journal of all proceedings shall be kept, which shall be a public record.

Sec. 24. Section 35A.13.010, chapter 119, Laws of 1967 ex. sess. and RCW 35A.13.010 are each amended to read as follows:

The councilmen shall be the only elective officers of a code city electing to adopt the council-manager plan of government authorized by this chapter, except where statutes provide for an elective police judge. The council shall appoint an officer whose title shall be "city manager" who shall be the chief executive officer and head of the administrative branch of the city government. The city manager shall be responsible to the council for the proper administration of all affairs of the code city. The council of a non-charter code city having less than twenty-five hundred inhabitants shall consist of five members; when there are twenty-five hundred or more inhabitants the council shall consist of seven members: PROVIDED, That if the population of a city after having become a code city decreases from twenty-five hundred or more to less than twenty-five hundred, it shall continue to have a seven member council. If, after a city has become a council-manager code city its population increases to twenty-five hundred or more inhabitants, the number of councilmanic offices in such a city shall increase from five to seven members. It that event, the city council shall, by majority vote, pursuant to RCW 35A.13.020, appoint two persons to serve in these offices until the next municipal general election, at which election one person shall be elected for a two-year term and one person shall be elected for a four-year term. The number of inhabitants shall be determined by the most recent official state or federal census or determination by the state ((~~census board~~)) office of financial management. A charter adopted under the provisions of this title, incorporating the council-manager plan of government set forth in this chapter may provide for an uneven number of councilmen not exceeding eleven.

Sec. 25. Section 35A.13.040, chapter 119, Laws of 1967 ex. sess. and RCW 35A.13.040 are each amended to read as follows:

The salaries of the councilmen, including the mayor, shall be fixed by ordinance and may be revised from time to time by ordinance, but any increase or reduction in the compensation attaching to an office shall not become effective until the expiration of the term then being served by the incumbent: PROVIDED, That compensation of councilmen may not be increased or diminished after their election nor may the compensation of the mayor be increased or diminished after the mayor has been chosen by the council.

Until councilmen of a newly-organized council-manager code city may lawfully be paid as provided by salary ordinance, such councilmen shall be entitled to compensation in the same manner and in the same amount as councilmen of such city prior to the adoption of this council-manager plan.

Until a salary ordinance can be passed and become effective as to elective officers of a newly incorporated code city, the first councilmen shall be entitled to compensation as follows: In cities having less than five thousand inhabitants—twenty dollars per meeting for not more than two meetings per month; in cities having more than five thousand but less than fifteen thousand inhabitants—a salary of one hundred and fifty dollars per calendar month; in cities having more than fifteen thousand inhabitants—a salary of four hundred dollars per calendar month. A councilman who is occupying the position of mayor, in addition to his salary as a councilman, shall be entitled, while serving as mayor, to an additional amount per calendar month, or portion thereof, equal to twenty-five percent of the councilmanic salary: PROVIDED, That such interim compensation shall remain in effect only until a salary ordinance is passed and becomes effective as to such officers, and the compensation provided herein shall not be construed as fixing the usual compensation of such officers. Councilmen shall receive reimbursement for their actual and necessary expenses incurred in the performance of the duties of their office, or the council by ordinance may provide for a per diem allowance. Procedure for approval of claims for expenses shall be as provided by ordinance.

Sec. 26. Section 35A.13.170, chapter 119, Laws of 1967 ex. sess. and RCW 35A.13.170 are each amended to read as follows:

All provisions of RCW 35A.12.110, as now or hereafter amended, and 35A.12.120, relating to council meetings, a quorum for transaction of business, rules and voting at council meetings, shall be applicable to code cities organized under this council-manager plan.

Sec. 27. Section 35A.14.220, chapter 119, Laws of 1967 ex. sess. as amended by section 26, chapter 195, Laws of 1973 1st ex. sess. and RCW 35A.14.220 are each amended to read as follows:

Annexations under the provisions of RCW 35A.14.295, 35A.14.297, 35A.14.300, and 35A.14.310 shall not be subject to review by the annexation review board: PROVIDED, That in ((class AA, class A and first class

countries)) any county in which a boundary review board is established under chapter 36.93 RCW all annexations shall be subject to review except as provided for in RCW 36.93.110. When the area proposed for annexation in a petition or resolution, initiated and filed under any of the methods of initiating annexation authorized by this chapter, is less than fifty acres or less than two million dollars in assessed valuation, review procedures shall not be required as to such annexation proposal, except as provided in chapter 36.93 RCW in those counties with a review board established pursuant to chapter 36.93 RCW: PROVIDED, That when an annexation proposal is initiated by the direct petition method authorized by ~~((section))~~ RCW 35A.14.120, review procedures shall not be required without regard to acreage or assessed valuation, except as provided in chapter 36.93 RCW in those counties with a boundary review board established pursuant to chapter 36.93 RCW.

Sec. 28. Section 35A.14.700, chapter 119, Laws of 1967 ex. sess. as amended by section 2, chapter 31, Laws of 1975 1st ex. sess. and RCW 35A.14.700 are each amended to read as follows:

Whenever any territory is annexed to a code city, a certificate as hereinafter provided shall be submitted in triplicate to the office of ~~((program planning and fiscal))~~ financial management~~((, hereinafter in this section referred to as "the office";))~~ within thirty days of the effective date of annexation specified in the relevant ordinance. After approval of the certificate, the office of financial management shall retain the original copy in its files, and transmit the second copy to the department of ~~((highways))~~ transportation and return the third copy to the code city. Such certificates shall be in such form and contain such information as shall be prescribed by the office of financial management. A copy of the complete ordinance containing a legal description and a map showing specifically the boundaries of the annexed territory shall be attached to each of the three copies of the certificate. The certificate shall be signed by the mayor and attested by the city clerk. Upon request, the office of financial management shall furnish certification forms to any code city.

Upon approval of the annexation certificate, the office of financial management shall forward to each state official or department responsible for making allocations or payments to cities or towns, a revised certificate reflecting the increase in population due to such annexation. Upon and after the date of the commencement of the next quarterly period, the population determination indicated in such revised certificate shall be used as the basis for the allocation and payment of state funds to such city or town.

For the purposes of this section, each quarterly period shall commence on the first day of the months of January, April, July, and October. Whenever a revised certificate is forwarded by the office of financial management thirty days or less prior to the commencement of the next quarterly period,

the population of the annexed territory shall not be considered until the commencement of the following quarterly period.

The resident population of the annexed territory shall be determined by, or under the direction of, the mayor of the code city. Such population determination shall consist of an actual enumeration of the population which shall be made in accordance with practices and policies, and subject to the approval of the office of financial management. The population shall be determined as of the effective date of annexation as specified in the relevant ordinance.

Until an annexation certificate is filed and approved as provided herein, such annexed territory shall not be considered by the office of financial management in determining the population of such code city.

Sec. 29. Section 35A.29.090, chapter 119, Laws of 1967 ex. sess. and RCW 35A.29.090 are each amended to read as follows:

Except as otherwise provided in RCW 35A.03.130, 35A.04.140, 35A-.05.110, (~~and~~) or 35A.08.110, the term of every code city officer elected to office at the general municipal election on the first Tuesday following the first Monday in November of the odd-numbered years shall begin as of noon on the second Monday in January following his election: PROVIDED, That any person elected to less than a full term where the office sought is vacant or is held by an appointed incumbent shall assume office as soon as the election returns are certified and certificates of election have been delivered, except for the first election of all officers at a general municipal election, or unless otherwise provided in this title: PROVIDED FURTHER, That when not otherwise provided (~~for~~) in this title, the term of officers elected at a special election shall begin on the first Monday following the certification of the election returns.

Sec. 30. Section 35A.29.110, chapter 119, Laws of 1967 ex. sess. as amended by section 4, chapter 52, Laws of 1970 ex. sess. and RCW 35A-.29.110 are each amended to read as follows:

A candidate for office in a code city shall file a declaration of candidacy substantially in the form set forth in RCW 29.18.030 insofar as such form is applicable to nonpartisan offices. Declarations of candidacy for offices of code cities to be voted upon at any municipal general election shall be filed with the (~~city clerk or code city clerk~~) county auditor not earlier than the last Monday of July nor later than the next succeeding Friday in the year such general election is to be held: PROVIDED, That if the first election of all officers upon reorganization as a noncharter code city under a plan of government newly adopted in the manner provided in RCW 35A.02.020, 35A.02.030 (~~or~~), 35A.02.080, or 35A.06.030, as now or hereafter amended, is (~~a special~~) an election as provided in RCW 35A.02.050 as now or hereafter amended, such declarations of candidacy shall be filed with the (~~city clerk~~) county auditor not more than fifty nor less than forty-six days prior to the primary election provided for in RCW 35A.02.050 as amended.

Any candidate may withdraw his declaration at any time but not later than five days after the last day allowed for filing declarations of candidacy. Nominating petitions for charter commissioners and for any other office for which nominating petitions may be required shall be filed with the ~~((city clerk or code city clerk))~~ county auditor not more than sixty nor less than forty-six days prior to the date of the election, and may be withdrawn at any time but not later than five days after the last day allowed for filing such petitions.

Sec. 31. Section 35A.29.120, chapter 119, Laws of 1967 ex. sess. and RCW 35A.29.120 are each amended to read as follows:

When any question is to be submitted to the voters of a code city, or when a proposition is to be submitted to the voters of an area under provisions of this title, the question or proposition shall be advertised as provided for nominees for office, and in such cases there shall also be printed on the ballot a concise statement ~~((not exceeding one hundred words containing the essential features thereof expressed in such a manner as to clearly identify the proposition to be voted upon))~~ in the form of a question and as otherwise provided in RCW 29.27.060, which statement shall be prepared by the attorney for the code city, or by the prosecuting attorney for the county for elections held outside of a code city. ~~((In addition to such a statement, the official preparing the statement shall also prepare a caption, not to exceed ten words in length, to permit the voters readily to identify the proposition and distinguish it from other propositions on the ballot. This caption shall be placed on the ballot immediately before the statement, and shall be printed in heavy black type in such a manner as to be readable at a glance. The caption and))~~ The concise statement ~~((together))~~ shall constitute the ballot title.

Sec. 32. Section 35A.44.010, chapter 119, Laws of 1967 ex. sess. and RCW 35A.44.010 are each amended to read as follows:

The population of code cities shall be determined ~~((by))~~ for specific purposes in accordance with any express provision of state law relating thereto. Where no express provision is made, the provisions of ~~((chapter 43.62 RCW relating to the state census board;))~~ RCW 43.41.110(7) relating to the office of financial management and the provisions of RCW 35.13.260 shall govern.

Sec. 33. Section 35A.63.020, chapter 119, Laws of 1967 ex. sess. and RCW 35A.63.020 are each amended to read as follows:

By ordinance a code city may create a planning agency and provide for its membership, organization, and expenses. The planning agency shall serve in an advisory capacity to the chief administrative officer or the legislative body, or both, as may be provided by ordinance and shall have such other powers and duties as shall be provided by ordinance. If any person or persons on a planning agency concludes that he has a conflict of interest or an

appearance of fairness problem with respect to a matter pending before the agency so that he cannot discharge his duties on such an agency, he shall disqualify himself from participating in the deliberations and the decision-making process with respect to the matter. If this occurs, the appointing authority that appoints such a person may appoint a person to serve as an alternate on the agency to serve in his stead in regard to such a matter.

Sec. 34. Section 35A.63.110, chapter 119, Laws of 1967 ex. sess. and RCW 35A.63.110 are each amended to read as follows:

A code city which pursuant to this chapter creates a planning agency and which has twenty-five hundred or more inhabitants, by ordinance, shall create a board of adjustment and provide for its membership, terms of office, organization, jurisdiction. A code city which pursuant to this chapter creates a planning agency and which has a population of less than twenty-five hundred may, by ordinance, similarly create a board of adjustment. In the event a code city with a population of less than twenty-five hundred creates a planning agency, but does not create a board of adjustment, the code city shall provide that the city legislative authority shall itself hear and decide the items listed in subdivisions (1), (2), and (3) of this section. The action of the board of adjustment shall be final and conclusive, unless, within ten days from the date of the action, the original applicant or an adverse party makes application to the superior court for the county in which that city is located for a writ of certiorari, a writ of prohibition, or a writ of mandamus. No member of the board of adjustment shall be a member of the planning agency or the legislative body. Subject to conditions, safeguards, and procedures provided by ordinance, the board of adjustment may be empowered to hear and decide:

(1) Appeals from orders, recommendations, permits, decisions, or determinations made by a code city official in the administration or enforcement of the provisions of this chapter or any ordinances adopted pursuant to it.

(2) Applications for variances from the terms of the zoning ordinance, the official map ordinance or other land-use regulatory ordinances under procedures and conditions prescribed by city ordinance, which among other things shall provide that no application for a variance shall be granted unless the board of adjustment finds:

(a) the variance shall not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and zone in which the property on behalf of which the application was filed is located; and

(b) that such variance is necessary, because of special circumstances relating to the size, shape, topography, location, or surroundings of the subject property, to provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located; and

(c) that the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated.

(3) Applications for conditional-use permits, unless such applications are to be heard and decided by the planning agency. A conditional use means a use listed among those classified in any given zone but permitted to locate only after review as herein provided in accordance with standards and criteria set forth in the zoning ordinance.

(4) Such other quasi judicial and administrative determinations as may be delegated by ordinance.

In deciding any of the matters referred to in subsections (1), (2), (3), and (4) of this section, the board of adjustment shall issue a written report giving the reasons for its decision. If a code city provides for a hearing examiner and vests in him the authority to hear and decide the items listed in subdivisions (1), (2), and (3) of this section pursuant to RCW 35A.63.170, then the provisions of this section shall not apply to such a city.

NEW SECTION. Sec. 35. Section 35A.06.080, chapter 119, Laws of 1967 ex. sess. and RCW 35A.06.080 are each hereby repealed.

NEW SECTION. Sec. 36. 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. 37. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House March 21, 1979.

Passed the Senate April 9, 1979.

Approved by the Governor April 17, 1979.

Filed in Office of Secretary of State April 17, 1979.

CHAPTER 19

[Substitute Senate Bill No. 2042]

COLLEGES AND UNIVERSITIES—FOREIGN STUDENTS—CONSULAR MISSIONS—RESIDENT STATUS

AN ACT Relating to higher education; and adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW.

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

NEW SECTION. Section 1. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW a new section to read as follows:

For the period commencing August 1, 1979, and ending July 31, 1983, the state's colleges and universities shall grant resident status for the purpose of tuition and fee payment, including operating fees and services and activities fees, to any student enrolled in an undergraduate or graduate program who is a resident of a foreign country and whose parent is temporarily assigned to a consular mission within this state: PROVIDED, That if a different tuition and fee schedule shall be charged Washington state students attending institutions of higher education located in any such particular country having students so enrolled in this state, than for resident students thereof, the provisions of this section shall cease to be in effect for such country's students in this state at the end of the fiscal year in which the different tuition and fee schedule is so charged.

The council for postsecondary education shall review the costs of such pilot program and make recommendations to the legislative session, commencing January, 1983, on the possible continuation of this experimental program. Following such review, the legislature shall make the determination to extend or terminate the program.

Passed the Senate March 21, 1979.

Passed the House April 10, 1979.

Approved by the Governor April 19, 1979.

Filed in Office of Secretary of State April 19, 1979.

CHAPTER 20

[Senate Bill No. 2131]

PUBLIC SCHOOLS—SURPLUS AND DONATED FOOD COMMODITIES— APPROPRIATION

AN ACT Relating to education; amending section 28A.30.040, chapter 223, Laws of 1969 ex. sess. and RCW 28A.30.040; and making an appropriation.

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

Section 1. Section 28A.30.040, chapter 223, Laws of 1969 ex. sess. and RCW 28A.30.040 are each amended to read as follows:

There is created in the office of the state superintendent of public instruction a revolving fund to be designated the surplus and donated food commodities revolving fund, and there is hereby appropriated to said revolving fund from the general fund for the fiscal biennium ending June 30, ((1969)) 1981, the sum of ((twenty-five)) seventy-five thousand dollars or so much thereof as shall be necessary to carry out the purposes of this chapter. The state treasurer shall, with the approval of the governor, transfer so much of this appropriation to the revolving fund from time to time as

the superintendent deems necessary to maintain said fund in a condition adequate to carry out the purposes of this chapter.

Passed the Senate March 21, 1979.

Passed the House April 10, 1979.

Approved by the Governor April 19, 1979.

Filed in Office of Secretary of State April 19, 1979.

CHAPTER 21

[Substitute Senate Bill No. 2158]

CONSERVATION RIGHTS—CONVEYANCES

AN ACT Relating to conveyances of conservation rights; adding a new section to chapter 64.04 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 64.04 RCW a new section to read as follows:

A development right, easement, covenant, restriction, or other right, or any interest less than the fee simple, to protect, preserve, maintain, improve, restore, limit the future use of, or conserve for open space purposes, any land or improvement on the land, whether the right or interest be appurtenant or in gross, may be held or acquired by any state agency, county, city, town, or metropolitan municipal corporation, or nonprofit nature conservancy corporation. Any such right or interest shall constitute and be classified as real property. All instruments for the conveyance thereof shall be substantially in the form required by law for the conveyance of any land or other real property.

As used in this section, "nonprofit nature conservancy corporation" means an organization which qualifies as being tax exempt under 26 U.S.C. section 501(c)(3) (of the United States Internal Revenue Code of 1954, as amended) as it existed on June 25, 1976, and which has as one of its principal purposes the conducting or facilitating of scientific research; the conserving of natural resources, including but not limited to biological resources, for the general public; or the conserving of natural areas including but not limited to wildlife or plant habitat.

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

Passed the Senate March 21, 1979.

Passed the House April 10, 1979.

Approved by the Governor April 19, 1979.

Filed in Office of Secretary of State April 19, 1979.

CHAPTER 22

[Substitute Senate Bill No. 2482]

BUSINESS NAME CERTIFICATES—FILING OFFICE—LIMITED
PARTNERSHIP CERTIFICATES—AMENDMENT, CANCELLATION

AN ACT Relating to business regulations; amending section 1, chapter 145, Laws of 1907 and RCW 19.80.010; amending section 25.08.250, chapter 15, Laws of 1955 and RCW 25.08.250; creating a new section; declaring an emergency; and providing an effective date.

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

Section 1. Section 1, chapter 145, Laws of 1907 and RCW 19.80.010 are each amended to read as follows:

No person or persons shall hereafter carry on, conduct or transact business in this state under any assumed name or under any designation, name or style, corporate or otherwise, other than the true and real name or names of the person or persons conducting such business or having an interest therein, unless such person, or all of such persons, conducting said business, or having an interest therein, shall file a certificate (~~(in the office of the county clerk of the county or counties in which said business is to be conducted)~~) with the department of licensing, which certificate shall set forth the designation, name or style under which said business is to be conducted, and the true and real name or names of the party or parties conducting, or intending to conduct, the same, or having an interest therein, together with the post office address or addresses of said person or persons. Such certificate shall be executed and acknowledged by the party or parties conducting, or intending to conduct, said business, or having an interest therein, before an officer authorized to take acknowledgment of deeds.

Sec. 2. Section 25.08.250, chapter 15, Laws of 1955 and RCW 25.08.250 are each amended to read as follows:

(1) The writing to amend a certificate shall:

(a) Conform to the requirements of RCW 25.08.020(1) as far as necessary to set forth clearly the change in the certificate which it is desired to make; and

(b) Be signed and (~~(sworn to)~~) acknowledged by all members, and an amendment substituting a limited partner or adding a limited or general partner shall be signed also by the member to be substituted or added, and when a limited partner is to be substituted, the amendment shall also be signed by the assigning limited partner.

(2) The writing to cancel a certificate shall be signed by all members.

(3) A person desiring the cancellation or amendment of a certificate, if any person designated in subsections (1) and (2) as a person who must execute the writing refuses to do so, may petition a court of competent jurisdiction to direct a cancellation or amendment thereof.

(4) If the court finds that the petitioner has a right to have the writing executed by a person who refuses to do so, it shall order the county clerk in the office where the certificate is recorded to record the cancellation or amendment of the certificate; and where the certificate is to be amended, the court shall also cause to be filed for record in said office a certified copy of its decree setting forth the amendment.

(5) A certificate is amended or canceled when there is filed for record in the office of the county clerk where the certificate is recorded:

(a) A writing in accordance with the provisions of subsections (1) or (2); or

(b) A certified copy of the order of court in accordance with the provisions of subsection (4).

(6) After the certificate is duly amended in accordance with this section, the amended certificate shall thereafter be for all purposes the certificate provided for by this chapter.

(7) The signing of a writing to amend or cancel a certificate by a limited partner may be in person or for him by an attorney in fact who may but need not be a member of the partnership, who shall acknowledge such signature as such attorney in fact.

NEW SECTION. Sec. 3. The director of the department of licensing shall promulgate such rules and regulations as are necessary to implement the transfer of duties and of records required by section 1 of this 1979 act. Such rules shall provide for transfer of existing certificates from the counties to the department, set fees for filing of certificates and amendments, and set fees for obtaining copies thereof.

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 July 1, 1979.

Passed the Senate March 29, 1979.

Passed the House April 10, 1979.

Approved by the Governor April 19, 1979.

Filed in Office of Secretary of State April 19, 1979.

CHAPTER 23

[Reengrossed Senate Bill No. 2602]

BEER, WINE IMPORTERS, WHOLESALERS—LIQUOR SALES

AN ACT Relating to alcoholic beverages; and amending section 90-A added to chapter 62, Laws of 1933 ex. sess. by section 2, chapter 48, Laws of 1945 as last amended by section 1, chapter 275, Laws of 1969 ex. sess. and RCW 66.28.020.

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

Section 1. Section 90-A added to chapter 62, Laws of 1933 ex. sess. by section 2, chapter 48, Laws of 1945 as last amended by section 1, chapter 275, Laws of 1969 ex. sess. and RCW 66.28.020 are each amended to read as follows:

No manufacturer or wholesaler of, or person otherwise dealing in, distilled spirits, or person financially interested, directly or indirectly, in such business, whether resident or nonresident, shall have any financial interest, direct or indirect, in the business of any licensed wine importer or wine wholesaler or licensed beer importer or beer wholesaler, nor shall any manufacturer or wholesaler of, or person otherwise dealing in, distilled spirits own any of the property upon which such licensed persons conduct their business, nor shall any such licensed person under any arrangement whatsoever, conduct his business upon property in which any manufacturer or wholesaler of, or person otherwise dealing in, distilled spirits has any interest, nor shall any manufacturer or wholesaler of, or person otherwise dealing in, distilled spirits advance money or moneys' worth to any such licensed person under any arrangement whatsoever, nor shall any such licensed person receive, under any arrangement whatsoever, any such advance of money or moneys' worth. No manufacturer or wholesaler of, or person otherwise dealing in, distilled spirits shall be eligible or receive or hold a license as a wine importer or wine wholesaler or beer importer or beer wholesaler under this title: PROVIDED, That this section shall not be construed to require the divesting of any interest held by any person as of April 1, 1945, in the business of any manufacturer or wholesaler of distilled spirits or the business of any licensed brewer or beer wholesaler: PROVIDED FURTHER, That the provisions of this section shall not apply to any liquor or beer importer, domestic winery or brewery which was licensed as of the date of passage of this act: PROVIDED FURTHER, That in the event of the sale of such importing business, winery or brewery to a manufacturer or wholesaler of, or person otherwise dealing in, distilled spirits, or person financially interested, directly or indirectly, in such business, the exclusion of the foregoing proviso shall not apply.

Nothing in this section shall prohibit a licensed beer importer or beer wholesaler or licensed wine importer or wine wholesaler from being appointed or acting as agent, representative, or employee of a manufacturer of distilled spirits for the purpose of soliciting sales of the distilled spirits to the board and conducting goodwill activities at retail licensees as provided in RCW 66.24.310(5), and nothing in this section shall prohibit an agent, representative or employee of a manufacturer of distilled spirits, if otherwise qualified, from being licensed as a beer or wine importer or wholesaler.

Passed the Senate March 21, 1979.

Passed the House April 10, 1979.

Approved by the Governor April 19, 1979.

Filed in Office of Secretary of State April 19, 1979.

CHAPTER 24

[Engrossed Senate Bill No. 2736]

GUIDE OF PUBLIC PARKS AND RECREATION SITES

AN ACT Relating to outdoor recreation; and adding new sections to chapter 43.99 RCW.

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

NEW SECTION. Section 1. There is added to chapter 43.99 RCW a new section to read as follows:

In addition to its other powers and duties the committee is authorized to coordinate the preparation of a comprehensive guide of public parks and recreation sites in the state of Washington. Such guide may include one or more maps showing the locations of such public parks and recreation areas, and may also include information as to the facilities and recreation opportunities available. All state agencies providing public recreational facilities shall participate. Cooperation of federal agencies providing public recreational facilities within the state shall be solicited.

The committee shall determine the costs of providing and distributing such a guide and pursue the most feasible means of paying the costs of initial production. The guide shall be sold for an amount to cover the reasonable production and distribution costs involved, and the committee may contract with any state agency, local government agency, or private firm as otherwise allowed by law for any part of such production or distribution.

NEW SECTION. Sec. 2. There is added to chapter 43.99 RCW a new section to read as follows:

The committee may receive gifts, donations, and grants from any source, and moneys from all such gifts, donations, and grants shall be deposited in the outdoor recreation account of the general fund for the use of the committee in carrying out its duties relating to the guide.

NEW SECTION. Sec. 3. The committee shall submit a plan for production and distribution of the guide to the State Legislature on or before January 1, 1981.

NEW SECTION. Sec. 4. There is added to chapter 43.99 RCW a new section to read as follows:

The committee shall periodically review and have updated the guide authorized by section 1 of this act.

Passed the Senate March 27, 1979.

Passed the House April 10, 1979.

Approved by the Governor April 19, 1979.

Filed in Office of Secretary of State April 19, 1979.

CHAPTER 25

[Senate Bill No. 2925]

SPOKANE EXPO '74 SITE AND FACILITIES—TITLE TRANSFER

AN ACT Relating to state property; and creating new sections.

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

NEW SECTION. Section 1. The Washington state legislature in its forty-second session in the year of 1971 did in its wisdom and for the benefit of the entire state pass legislation which provided for the construction, and the payment thereof of certain buildings which served as the centerpiece of an International Exposition in the city of Spokane in the year of 1974.

The leaders of business throughout the state did most kindly support the citizens and the legislators of Spokane in suggesting a funding source in the form of a surcharge of twenty-five percent on the corporate business license/filing fee. This surtax enabled the state department of general administration to construct the magnificent opera house and convention center which has enabled the city to attract many thousands of tourists who otherwise may never have come to our state.

Following the most successful operation of the International Exposition, which saw five million visitors pass through its gates, with an estimated tax benefit to the state of 9.2 million dollars, the city incurred the obligation of removing the state's exhibit from its space and converting the area to a convention center. The total expenditure of the city of 5.4 million dollars represents 60.6 percent of the construction costs.

The operation of the opera house and convention center was assumed by the city and under the supervision of the sports, entertainment, arts and convention advisory board (SEACAB) and it has attracted an increasing number of patrons each year. Despite the increased usage the revenues fail to meet the operating costs: By one hundred ninety-two thousand dollars in 1975; two hundred ninety-five thousand dollars in 1976; three hundred twenty-eight thousand dollars in 1977; and two hundred ninety-five thousand dollars in 1978. Notwithstanding these recited losses the citizens of Spokane are grateful to the state for the rich heritage of Expo '74 which was made possible by the legislature. The city now seeks title to the opera house and convention center, and the legislature acknowledges that it passes to the city the liability for maintenance and operation of the facility. The surtax on the corporate business license/filing fee remains in effect and the transfer of the ownership provided for in section 2 of this act has no general fund impact.

NEW SECTION. Sec. 2. (1) The department of general administration is authorized and directed to transfer fee simple ownership of the Expo '74

site and facilities to the city of Spokane, Washington, subject to acceptance by the city. The property to be transferred consists of the opera house, convention center, and grounds, acquired and built under the authority of chapter 43.96B RCW, with the following approximate legal boundaries:

That portion of the southeast quarter of section 18, township 25 N., range 43 E.W.M. in the city and county of Spokane, Washington described as follows: That land bounded by the north line of Spokane Falls Boulevard (formerly Trent Avenue); the east line of Washington Street; a line two hundred eighty feet north of and parallel to the north line of Spokane Falls Boulevard; and the west line of Spokane Falls Court, extended north.

(2) Payment or other compensation shall not be required from the city of Spokane as consideration for the transfer under subsection (1) of this section.

Passed the Senate March 22, 1979.

Passed the House April 10, 1979.

Approved by the Governor April 20, 1979.

Filed in Office of Secretary of State April 20, 1979.

CHAPTER 26

[Substitute Senate Bill No. 2016]

HANDICAPPED—RESERVED PARKING SPACES—DISPLAY OF SPECIAL LICENSE PLATE, CARD, DECAL

AN ACT Relating to motor vehicles; amending section 1, chapter 128, Laws of 1961 as last amended by section 1, chapter 102, Laws of 1975-'76 2nd ex. sess. and RCW 46.16.380; and providing penalties.

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

Section 1. Section 1, chapter 128, Laws of 1961 as last amended by section 1, chapter 102, Laws of 1975-'76 2nd ex. sess. and RCW 46.16.380 are each amended to read as follows:

Any person who shall submit satisfactory proof to the director that he or she has lost both of his or her lower extremities, or who has lost the normal or full use thereof, or who is so severely disabled as to be unable to move without the aid of crutches or a wheelchair or who has lost both hands, shall be entitled to receive a special card to be left in a vehicle in a conspicuous place, bearing distinguishing marks, letters or numerals indicating that the vehicle is being used to transport such a privileged person. Such a privileged person shall also be entitled to receive for one motor vehicle only, a special decal to be affixed to the vehicle in a conspicuous place designated by the director, bearing distinguishing marks, letters or numerals indicating that the vehicle is owned by or primarily used for such a privileged person. Vehicles displaying the special license plate, card or decal shall be entitled to use parking places otherwise reserved for physically disabled persons pursuant to chapter 70.92 RCW, or authority implemental thereof. Whenever

such owner transfers or assigns his interest in such vehicle, the special decal shall be removed. Such person shall immediately surrender the decal to the director together with a notice of the transfer of interest in such vehicle. If another vehicle is acquired by, or for the primary use of, such person, a new decal shall be issued by the director. Application for renewal, except for the permanently disabled who shall be issued a permanent card, must be made by January 10th of each renewal year together with satisfactory proof of the right to continued use of such special card and decal. No additional fees shall be charged for the issuance of such special card and decal. The director shall promulgate such rules and regulations as he deems necessary to carry into effect this section.

Any unauthorized use of such distinguishing license plate, card ~~((and))~~ or decal shall constitute a gross misdemeanor.

Any person parking a vehicle in a parking place reserved for physically disabled persons pursuant to chapter 70.92 RCW, or authority implemental thereof, without a special license plate, card or decal as in this section provided, shall be guilty of a misdemeanor: PROVIDED, That a person charged with a violation hereof shall not be convicted if he produces in court or prior to the court appearance the special license plate, special card or special decal required hereunder or demonstrates he was entitled to the same at the time of being ticketed.

Passed the Senate April 16, 1979.

Passed the House April 11, 1979.

Approved by the Governor April 23, 1979.

Filed in Office of Secretary of State April 23, 1979.

CHAPTER 27

[Engrossed Senate Bill No. 2040]

DISABLED PERSONS—SPECIAL LICENSE PLATES—PARKING PRIVILEGES

AN ACT Relating to disabled persons; amending section 1, chapter 128, Laws of 1961 as last amended by section 1, chapter 102, Laws of 1975-'76 2nd ex. sess. and RCW 46.16.380; amending section 2, chapter 128, Laws of 1961 as last amended by section 2, chapter 102, Laws of 1975-'76 2nd ex. sess. and RCW 46.61.580; and prescribing penalties.

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

Section 1. Section 1, chapter 128, Laws of 1961 as last amended by section 1, chapter 102, Laws of 1975-'76 2nd ex. sess. and RCW 46.16.380 are each amended to read as follows:

Any person who ~~((shall))~~ submits satisfactory proof to the director that he or she has lost both of his or her lower extremities, or ~~((who))~~ has lost the normal or full use thereof, or ~~((who))~~ is so severely disabled as to be unable to move without the aid of crutches or a wheelchair, or ~~((who))~~ has

lost both hands, shall be entitled to receive a special card to be left in a vehicle in a conspicuous place, bearing distinguishing marks, letters, or numerals indicating that the vehicle is being used to transport such a ~~((privileged))~~ disabled person. Such a ~~((privileged))~~ disabled person shall also be entitled to receive for one motor vehicle only, a special decal to be affixed to the vehicle in a conspicuous place designated by the director, bearing distinguishing marks, letters, or numerals indicating that the vehicle is owned by or primarily used for such a ~~((privileged))~~ disabled person. The disabled person is also entitled to receive, in lieu of the decal and regular motor vehicle license plates, special license plates bearing distinguishing marks, letters, or numerals indicating that the vehicle is owned by such a disabled person. Whenever ~~((such-owner))~~ the disabled person transfers or assigns his or her interest in ~~((such))~~ the vehicle, the special decals or license plates shall be removed from the motor vehicle. Such person shall immediately surrender the decal to the director together with a notice of the transfer of interest in such vehicle. If another vehicle is acquired by, or for the primary use of, ~~((such))~~ the disabled person, a new decal shall be issued by the director. Application for renewal, except for the permanently disabled who shall be issued a permanent card, must be made by January 10th of each renewal year together with satisfactory proof of the right to continued use of such special card and decal. If another vehicle is acquired by the disabled person and special plates are used, they shall be attached to the vehicle, and the director shall be immediately notified of the transfer of plates. If another vehicle is not acquired by the disabled person, the removed plates shall be immediately forwarded to the director to be reissued later upon payment of the regular registration fee.

The special license plates shall be renewed in the same manner and at the time required for the renewal of regular motor vehicle license plates under this chapter. No special license plate may be issued to a person who is temporarily disabled. A person who is permanently disabled under this section shall be issued a permanent card. A person who is temporarily disabled under this section shall be issued a temporary card which shall be renewed, at such times as the director may require, by satisfactory proof of the right to continued use of the card.

No additional fees shall be charged for the issuance of ~~((such))~~ the special card and decal, and, at the time the vehicle is originally licensed in this state, no additional fee may be charged for the issuance of the special license plates except the regular motor vehicle registration fee and any other fees and taxes required to be paid upon initial registration of a motor vehicle. On the effective date of this 1979 act, any disabled person who is entitled to receive a special license plate under this section and who has valid Washington state license plates for his or her motor vehicle shall be entitled to receive special license plates upon payment of the fee prescribed in RCW 46.16.270 and surrender of the existing plates.

The director shall promulgate such rules and regulations as he or she deems necessary to carry into effect this section.

Any unauthorized use of ~~((such distinguishing))~~ the special card ((and)), the decal, or the special license plate shall constitute a gross misdemeanor.

Sec. 2. Section 2, chapter 128, Laws of 1961 as last amended by section 2, chapter 102, Laws of 1975-'76 2nd ex. sess. and RCW 46.61.580 are each amended to read as follows:

Any person who has lost both of his or her lower extremities, or who has lost the normal or full use thereof, or who is so severely disabled as to be unable to move without the aid of crutches or a wheelchair, or who has lost both hands, shall be allowed to park a vehicle being used to transport such person for unlimited periods of time in parking zones or areas which are otherwise restricted as to the length of time parking is permitted. This section shall have no application to those zones or areas in which the stopping, parking, or standing of all vehicles is prohibited or which are reserved for special types of vehicles. Such a person shall not be permitted the foregoing privilege unless he or she obtains and displays a ~~((distinguishing))~~ special card ((or)), a decal, or a special license plate attached to the vehicle, as provided in RCW 46.16.380 as now or hereafter amended.

Passed the Senate April 16, 1979.

Passed the House April 11, 1979.

Approved by the Governor April 23, 1979.

Filed in Office of Secretary of State April 23, 1979.

CHAPTER 28

[Substitute House Bill No. 22]

POLICE OFFICERS—POWER OF ARREST WITHOUT WARRANT—TRAFFIC AND OTHER LAWS

AN ACT Relating to powers of arrest; amending section 1, chapter 198, Laws of 1969 ex. sess. and RCW 10.31.100; amending section 46.64.015, chapter 12, Laws of 1961 as last amended by section 2, chapter 95, Laws of 1975-'76 2nd ex. sess. and RCW 46.64.015; amending section 46.64.030, chapter 12, Laws of 1961 as last amended by section 2, chapter 56, Laws of 1975 and RCW 46.64.030; and repealing section 3, chapter 56, Laws of 1975 and RCW 46.64.017.

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

Section 1. Section 1, chapter 198, Laws of 1969 ex. sess. and RCW 10-31.100 are each amended to read as follows:

A police officer having probable cause to believe that a person has committed or is committing a felony shall have the authority to arrest the person without a warrant. A police officer may arrest a person without a warrant for committing a misdemeanor or gross misdemeanor only when

the offense is committed in the presence of the officer, except as provided in subsections (1) through (3) of this section.

(1) Any police officer having ~~((information to support a reasonable belief))~~ probable cause to believe that a person has committed or is committing a misdemeanor or gross misdemeanor, involving physical harm or threats of harm to any person or property or the unlawful taking of property or involving the use or possession of cannabis shall have the authority to arrest ~~((said))~~ the person~~((: PROVIDED, That nothing herein shall extend or otherwise affect the powers of arrest prescribed in chapter 46 RCW))~~.

(2) Any police officer having probable cause to believe that a person has committed or is committing a violation of any of the following traffic laws shall have the authority to arrest the person:

(a) RCW 46.52.010, relating to duty on striking an unattended car or other property;

(b) RCW 46.52.020, relating to duty in case of injury to or death of a person or damage to an attended vehicle;

(c) RCW 46.61.500 or 46.61.530, relating to reckless driving or racing of vehicles;

(d) RCW 46.61.506, relating to persons under the influence of intoxicating liquor or drugs;

(e) RCW 46.61.525, relating to operating a motor vehicle in a negligent manner.

(3) A law enforcement officer investigating at the scene of a motor vehicle accident may arrest the driver of a motor vehicle involved in the accident if the officer has probable cause to believe that the driver has committed in connection with the accident a violation of any traffic law or regulation.

(4) Except as specifically provided in subsections (2) and (3) of this section, nothing in this section extends or otherwise affects the powers of arrest prescribed in Title 46 RCW.

Sec. 2. Section 46.64.015, chapter 12, Laws of 1961 as last amended by section 2, chapter 95, Laws of 1975-'76 2nd ex. sess. and RCW 46.64.015 are each amended to read as follows:

Whenever any person is arrested for any violation of the traffic laws or regulations which is punishable as a misdemeanor or by imposition of a fine, the arresting officer may serve upon him a traffic citation and notice to appear in court. Such citation and notice shall conform to the requirements of RCW 46.64.010, and in addition, shall include spaces for the name and address of the person arrested, the license number of the vehicle involved, the driver's license number of such person, if any, the offense or violation charged, the time and place where such person shall appear in court, and a place where the person arrested may sign. Such spaces shall be filled with the appropriate information by the arresting officer. The arrested person, in order to secure release, and when permitted by the arresting officer, must

give his written promise to appear in court as required by the citation and notice by signing in the appropriate place the written citation and notice served by the arresting officer. ~~((Upon the arrested person's failing or refusing to sign such written promise, he may be taken into custody of such arresting officer and so remain or be placed in confinement: PROVIDED, That))~~ An officer ~~((shall))~~ may not serve or issue any traffic citation or notice for any offense or violation except either when ~~((said))~~ the offense or violation is committed in his presence or when ~~((the citation and notice may be issued or served pursuant to RCW 46.64.017))~~ a person may be arrested pursuant to RCW 10.31.100, as now or hereafter amended. The detention arising from an arrest under this section may not be for a period of time longer than is reasonably necessary to issue and serve a citation and notice, except that the time limitation does not apply under any of the following circumstances:

(1) Where the arrested person refuses to sign a written promise to appear in court as required by the citation and notice provisions of this section;

(2) Where the arresting officer has probable cause to believe that the arrested person has committed any of the offenses enumerated in RCW 10.31.100(2), as now or hereafter amended.

Sec. 3. Section 46.64.030, chapter 12, Laws of 1961 as last amended by section 2, chapter 56, Laws of 1975 and RCW 46.64.030 are each amended to read as follows:

The provisions of this title with regard to the apprehension and arrest of persons violating this title shall govern all police officers in making arrests without a warrant for violations of this title for offenses either committed in their presence or believed to have been committed based on probable cause ~~((stemming from investigation at the scenes of motor vehicle accidents))~~ pursuant to RCW ~~((46.64.017))~~ 10.31.100, but the procedure prescribed herein shall not otherwise be exclusive of any other method prescribed by law for the arrest and prosecution of a person for other like offenses.

NEW SECTION. Sec. 4. Section 3, chapter 56, Laws of 1975 and RCW 46.64.017 are each repealed.

Passed the House March 29, 1979.

Passed the Senate April 11, 1979.

Approved by the Governor April 23, 1979.

Filed in the Office of Secretary of State April 23, 1979.

CHAPTER 29

[House Bill No. 58]

MOTION PICTURE FILMS—EXHIBITION RIGHTS—BIDDING AND NEGOTIATION PROCEDURES

AN ACT Relating to the exhibition of motion pictures; 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. The purpose of this chapter is to establish fair and open procedures for bidding and negotiation for the right to exhibit motion pictures in the state in order to prevent unfair and deceptive acts or practices and unreasonable restraints of trade in the business of motion picture distribution and exhibition within the state; to promote fair and effective competition in that business; and to insure that exhibitors have the opportunity to view a motion picture and know its contents before committing themselves to exhibiting the motion picture in their communities.

NEW SECTION. Sec. 2. The definitions contained in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Bid" means a written or oral offer or proposal to buy made by an exhibitor to a distributor in response to an invitation to bid for the license or right to exhibit a motion picture, the license stating the terms under which the exhibitor agrees to exhibit the motion picture.

(2) "Blind bidding" means the exhibitor's bidding or negotiating for, or the exhibitor's offering or agreeing to, terms for the license or right to exhibit a feature motion picture at any time either before the feature motion picture has been trade screened within the state or before the feature motion picture has been otherwise made available for viewing within the state by all exhibitors.

(3) "Blind selling" means the practice whereby a distributor licenses a feature motion picture before the exhibitor is afforded an opportunity to view the feature motion picture by trade screening.

(4) "Buying" or "selling" of the right to exhibit a feature motion picture means the licensing of a theater to show the feature motion picture for a certain number of days for a certain price.

(5) "Distributor" means a person engaged in the business of distributing or supplying more than one feature motion picture per year to exhibitors by rental, sale, licensing, or other agreement.

(6) "Exhibit" or "exhibition" means playing or showing a feature motion picture to the public for an admission charge.

(7) "Exhibitor" means a person in the business of operating one or more theaters in which motion pictures are exhibited to the public.

(8) "Feature motion picture" means a motion picture exceeding sixty minutes in duration.

(9) "Invitation to bid" means a written or oral solicitation or invitation by a distributor to one or more exhibitors to bid or negotiate for the license or right to exhibit a feature motion picture.

(10) "Licensing agreement" means a contract, agreement, understanding, or condition between a distributor and an exhibitor relating to the licensing or exhibition of a feature motion picture by the exhibitor.

(11) "Person" means one or more individuals, firms, partnerships, associations, societies, trusts, organizations, or corporations.

(12) "Run" means the continuous exhibition of a feature motion picture in a defined geographic area for a specified period of time. A "first run" is the first exhibition of the feature motion picture in the defined area; a "second run" is the second exhibition; and "subsequent runs" are subsequent exhibitions after the second run. "Exclusive run" is a run limited to a single theater in a defined geographic area and a "nonexclusive run" is a run in more than one theater in a defined geographic area.

(13) "Theater" means an establishment in which feature motion pictures are regularly exhibited to the public for an admission charge.

(14) "Trade screening" means the exhibition of a feature motion picture, prior to its release for public exhibition by a distributor, in the largest city within the state, which is open to all exhibitors from whom the distributor intends to solicit bids or with whom the distributor intends to negotiate for the license or right to exhibit the feature motion picture.

NEW SECTION. Sec. 3. (1) The buying or selling of the right to exhibit a feature motion picture by blind bidding or blind selling is prohibited within the state.

(2) No bids may be returnable, no negotiations for the exhibition or licensing of a motion picture may take place, and no license agreement or any of its terms may be agreed upon, for the exhibition of a feature motion picture within the state before the feature motion picture has either been trade screened or otherwise made available for viewing by all exhibitors within the state.

(3) A distributor shall provide reasonable and uniform notice of the trade screening of feature motion pictures to those exhibitors within the state from whom bids will be solicited or with whom negotiations will be conducted for the license or right to exhibit the feature motion picture.

(4) A purported waiver of the prohibition in this chapter against blind bidding or blind selling is void and unenforceable.

NEW SECTION. Sec. 4. If bids are solicited from exhibitors for the licensing of a feature motion picture within the state, then:

(1) The invitation to bid shall specify: (a) Whether the run for which the bid is being solicited is a first, second, or subsequent run; whether the run is an exclusive or nonexclusive run; and, the geographic area for the run; (b) the names of all exhibitors who are being solicited; (c) the date and hour the invitation to bid expires; and (d) the time, date, and location, including the address, where the bids will be opened, which shall be within the state.

(2) All bids shall be submitted in writing and shall be opened at the same time and in the presence of those exhibitors, or their agents, who submitted bids and who attend the bid opening.

(3) Immediately upon being opened, the bids shall be subject to examination by the exhibitors, or their agents, who submitted bids, and who are present at the opening. Within ten business days after the bids are opened, the distributor shall notify each exhibitor who submitted a bid either the name of the winning bidder or the fact that none of the bids were acceptable.

(4) Once bids are solicited, the distributor shall license the feature motion picture only by bidding and may solicit rebids if none of the submitted bids are acceptable.

NEW SECTION. Sec. 5. Any person aggrieved by a violation of this chapter may bring a civil action in superior court to enjoin further violations or to recover the actual damages sustained, or both, together with the costs of the suit. In any such action, the court shall award reasonable attorneys' fees to the prevailing party.

NEW SECTION. Sec. 6. This chapter may be known and cited as the Washington motion picture fair competition act.

NEW SECTION. Sec. 7. Sections 1 through 6 of this act shall constitute a new chapter in Title 19 RCW.

NEW SECTION. Sec. 8. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the House March 29, 1979.

Passed the Senate April 11, 1979.

Approved by the Governor April 23, 1979.

Filed in Office of Secretary of State April 23, 1979.

CHAPTER 30

[Substitute House Bill No. 78]

SPECIAL PURPOSE DISTRICTS—OBSOLETE REFERENCES

AN ACT Relating to special purpose districts; amending section 35.73.060, chapter 7, Laws of 1965 and RCW 35.73.060; amending section 35A.56.010, chapter 119, Laws of 1967 ex. sess. and RCW 35A.56.010; amending section 35A.79.010, chapter 119, Laws of 1967 ex. sess. and RCW 35A.79.010; amending section 36.82.080, chapter 4, Laws of 1963 and RCW 36.82.080; amending section 2, chapter 189, Laws of 1967 and RCW 36.93.020; amending section 1, chapter 72, Laws of 1967 as amended by section 1, chapter 96, Laws of 1971 ex. sess. and RCW 36.94.010; amending section 47.04.040, chapter 13, Laws of 1961 and RCW 47.04.040; amending section 7, chapter 65, Laws of 1955 and RCW 53.08.060; amending section 8, chapter 92, Laws of 1911 as amended by section 8, chapter 62, Laws of 1913 and RCW 53.20.030; amending section 1, chapter 87, Laws of 1941 and RCW 53.48.010; amending section 1, chapter 55, Laws of 1963 and RCW 57.90.010; amending section 26, chapter 232, Laws of 1957 as last amended by section 31, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.260; amending section 50, chapter 238, Laws of 1967 as amended by section 36, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.380; amending section 52, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.600; amending section 7, chapter 87, Laws of 1887 and RCW 78.08.040; amending section 6,

chapter 45, Laws of 1899 as amended by section 3, chapter 357, Laws of 1955 and RCW 78.08.081; amending section 2, chapter 183, Laws of 1913 and RCW 79.16.400; amending section 1, chapter 104, Laws of 1917 and RCW 85.07.010; amending section 6, chapter 163, Laws of 1935 and RCW 86.24.040; repealing section 1, chapter 266, Laws of 1953 and RCW 53.48.130; repealing section 5, chapter 87, Laws of 1887 and RCW 78.08.031; repealing section 6, chapter 87, Laws of 1887 and RCW 78.08.032; repealing section 13, chapter 45, Laws of 1899 and RCW 78.08.120; repealing section 14, chapter 45, Laws of 1899 and RCW 78.08.140; repealing section 73, chapter 292, Laws of 1971 ex. sess. and RCW 87.60.150; repealing section 178, chapter 81, Laws of 1971 and RCW 91.04.325; repealing section 179, chapter 81, Laws of 1971 and RCW 91.04.360; repealing section 1, chapter 38, Laws of 1923 and RCW 91.06.010; repealing section 2, chapter 38, Laws of 1923 and RCW 91.06.020; repealing section 3, chapter 38, Laws of 1923 and RCW 91.06.030; repealing section 4, chapter 38, Laws of 1923 and RCW 91.06.040; repealing section 5, chapter 38, Laws of 1923 and RCW 91.06.050; repealing section 6, chapter 38, Laws of 1923 and RCW 91.06.060; repealing section 7, chapter 38, Laws of 1923, section 1, chapter 222, Laws of 1947 and RCW 91.06.070; repealing section 8, chapter 38, Laws of 1923 and RCW 91.06.080; repealing section 9, chapter 38, Laws of 1923 and RCW 91.06.090; repealing section 10, chapter 38, Laws of 1923 and RCW 91.06.100; repealing section 1, chapter 97, Laws of 1963 and RCW 91.07.010; and repealing section 2, chapter 97, Laws of 1963 and RCW 91.07.020.

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

Section 1. Section 35.73.060, chapter 7, Laws of 1965 and RCW 35.73-.060 are each amended to read as follows:

The city may, in its discretion, by general or special ordinance, or both, instead of requiring immediate payment for the said work to be made by the owners of property included in the assessment roll, authorize the issuance of interest bearing bonds or warrants of the local improvement district, payable on or before a date not to exceed twelve years from and after their date. The bonds may be issued subject to call, the amount of the said assessment to be payable in installments or otherwise, and the bonds to be of such terms as may be provided in the ordinances and to bear interest at such rate as may be prescribed in the ordinances, not exceeding eight percent per annum(~~(: PROVIDED, That if the improvement lies wholly or partly within the boundaries of any commercial waterway district, the bonds may be made payable on or before a date not to exceed twenty-two years from and after the date of their issue)).~~

Sec. 2. Section 35A.56.010, chapter 119, Laws of 1967 ex. sess. and RCW 35A.56.010 are each amended to read as follows:

Except as otherwise provided in this title, state laws relating to special service or taxing districts shall apply to, grant powers, and impose duties upon code cities and their officers to the same extent as such laws apply to and affect other classes of cities and towns and their employees, including, without limitation, the following: (1) Chapter 70.94 RCW, relating to air pollution control; (2) (~~chapter 47.57 RCW, relating to toll facility aid districts;~~(3)) chapter 68.16 RCW, relating to cemetery districts; (~~((4) chapters 91.04 through 91.07 RCW, relating to commercial waterway districts;~~(5)) (3) chapter 29.68 RCW, relating to congressional districts; (~~((6))~~(4) chapters 14.07 and 14.08 RCW, relating to municipal airport districts;

~~((7))~~ (5) chapter 36.88 RCW, relating to county road improvement districts; ~~((8))~~ (6) Title 85 RCW, relating to diking districts, drainage districts, and drainage improvement districts; ~~((9))~~ (7) chapter 36.54 RCW, relating to ferry districts; ~~((10))~~ (8) Title 52 RCW, relating to fire protection districts; ~~((11))~~ (9) Title 86 RCW, relating to flood control districts and flood control; ~~((12))~~ (10) chapter 70.46 RCW, relating to health districts; ~~((13))~~ (11) chapters 87.03 through 87.84 and 89.12 RCW, relating to irrigation districts; ~~((13) Title 78 RCW, relating to mining; (14))~~ (12) chapter 35.61 RCW, relating to metropolitan park districts; ~~((15))~~ (13) chapter 35.58 RCW, relating to metropolitan municipalities; ~~((16))~~ (14) chapter 17.28 RCW, relating to mosquito control districts; ~~((17))~~ (15) chapter 17.12 RCW, relating to agricultural pest districts; ~~((18))~~ (16) chapter 13.12 RCW, relating to parental or truant schools; ~~((19))~~ (17) Title 53 RCW, relating to port districts; ~~((20))~~ (18) chapter 70.44 RCW, relating to public hospital districts; ~~((21))~~ (19) Title 54 RCW, relating to public utility districts; ~~((22))~~ (20) chapter 91.08 RCW, relating to public waterway districts; ~~((23))~~ (21) Title 56 RCW for sewer districts; ~~((24))~~ (22) chapter 89.12 RCW, relating to reclamation districts; ~~((25))~~ (23) chapters 57.02 through 57.36 ~~((and 87.60))~~ RCW, relating to water districts; ~~((26) chapter 91.04 RCW, relating to commercial waterway districts;))~~ and ~~((27))~~ (24) chapter 17.04 RCW, relating to weed districts.

Sec. 3. Section 35A.79.010, chapter 119, Laws of 1967 ex. sess. and RCW 35A.79.010 are each amended to read as follows:

A code city shall have all powers provided by general law to cities of any class relating to the receipt of donations of money and property, the acquisition, leasing and disposition of municipal property, both real and personal, including, but not limited to, the following: (1) Intergovernmental leasing, transfer or disposition of property as provided by chapter 39.33 RCW; (2) disposition of unclaimed property as provided by chapters 63.32 and 63.36 RCW; (3) ~~((authority to petition for inclusion in a commercial waterway district as provided by RCW 91.04.210; (4))~~ disposition of local improvement district foreclosures as provided by chapter 35.53 RCW; ~~((5))~~ (4) materials removed from public lands as provided by RCW 79.01.178; ~~((6))~~ (5) purchase of federal surplus property as provided by chapter 39.32 RCW; and ~~((7))~~ (6) land for recreation as provided by chapter 43.99 RCW. A code city in connection with the acquisition of property shall be subject to provisions relating to tax liens as provided by RCW 84.60.050 and 84.60.070. The general law relating to the damage or destruction of public property of a code city or interferences with the duties of a police or other officer shall relate to code city's properties and officers to the same extent as such laws apply to any class of city, its property or officers.

Sec. 4. Section 36.82.080, chapter 4, Laws of 1963 and RCW 36.82.080 are each amended to read as follows:

The payment of interest or principal on general obligation county road bonds, (~~or independent highway district bonds,~~) or retirement of registered warrants both as to principal and interest when such warrants have been issued for a proper county road purpose, are declared to be a proper county road purpose.

Sec. 5. Section 2, chapter 189, Laws of 1967 and RCW 36.93.020 are each amended to read as follows:

As used herein:

(1) "Governmental unit" means any incorporated city or town, metropolitan municipal corporation, or any special purpose district as defined in this section.

(2) "Special purpose district" means any (~~sanitary district,~~) sewer district, water district, fire protection district, drainage improvement district, drainage and diking improvement district, flood control zone district, irrigation district, metropolitan park district, drainage district, or public utility district engaged in water distribution(~~or water distribution district~~).

(3) "Board" means a boundary review board created by or pursuant to this chapter.

Sec. 6. Section 1, chapter 72, Laws of 1967 as amended by section 1, chapter 96, Laws of 1971 ex. sess. and RCW 36.94.010 are each amended to read as follows:

As used in this chapter:

(1) A "system of sewerage" means and includes:

- (a) Sanitary sewage disposal sewers;
- (b) Combined sanitary sewage disposal and storm or surface water sewers;
- (c) Storm or surface water sewers;
- (d) Outfalls for storm or sanitary sewage and works, plants, and facilities for sanitary sewage treatment and disposal;
- (e) Combined water and sewerage systems;
- (f) Any combination of or part of any or all of such facilities.

(2) A "system of water" means and includes:

- (a) A water distribution system, including dams, reservoirs, aqueducts, plants, pumping stations, transmission and lateral distribution lines and other facilities for distribution of water;
- (b) A combined water and sewerage system;
- (c) Any combination of or any part of any or all of such facilities.

(3) A "sewerage and/or water general plan" means a general plan for a system of sewerage and/or water for the county which shall be an element of the comprehensive plan established by the county pursuant to RCW 36.70.350(5) and/or chapter 35.63 RCW.

(a) A sewerage general plan shall include the general location and description of treatment and disposal facilities, trunk and interceptor sewers, pumping stations, monitoring and control facilities, local service areas and a general description of the collection system to serve those areas, and other facilities as may be required to provide a functional and implementable plan, including preliminary engineering to assure feasibility.

(b) A water general plan shall include the general location and description of water resources to be utilized, wells, treatment facilities, transmission lines, storage reservoirs, pumping stations, monitoring and control facilities as may be required to provide a functional and implementable plan.

(c) Water and/or sewerage general plans shall include preliminary engineering in adequate detail to assure technical feasibility and shall further provide for the methods of distributing the cost and expense of the system and shall indicate the economic and financing feasibility of plan implementation. The plans may also specify local or lateral facilities. The sewerage and/or water general plan shall not mean the final engineering construction plans for the system.

(4) "Municipal corporation" means and includes any city, town, metropolitan municipal corporation, any public utility district which operates and maintains a water system, any sewer, water, diking or drainage district, any diking, drainage and sewerage improvement district, (~~any water distribution district;~~) and any irrigation district.

(5) A "private utility" means and includes all utilities, both public and private, which provide sewerage and/or water service and which are not municipal corporations within the definition of this chapter. The ownership of a private utility may be in a corporation, nonprofit or for profit, in a cooperative association, in a mutual organization, or in individuals.

(6) "Board" means one or more boards of county commissioners.

Sec. 7. Section 47.04.040, chapter 13, Laws of 1961 and RCW 47.04-.040 are each amended to read as follows:

Upon and after April 1, 1937, all rights of way of any primary state highways, together with all appurtenances thereto, the right or interest in or to which was, or is, in any county, road district, township, local improvement district, (~~independent highway district;~~) or other highway or road district or political subdivision of the state of Washington shall be and the same is hereby transferred to and vested in the state of Washington for use in conjunction with such primary state highways under the (~~highway commission~~) department of transportation.

All public highways in the state of Washington which have been designated to be primary state highways or secondary state highways or classified as primary roads and which have been constructed and improved and maintained for a period of seven years prior to April 1, 1937, at the expense of the state shall operate to vest in the state of Washington all right, title,

and interest to the right of ways thereof, including the roadway and ditches and existing drainage facilities, together with all appurtenances thereto and no informalities in the records of title to such public highways shall be construed to invalidate or vacate such public highways or to divest the state of Washington of any right, title and interest in the right of way thereof.

Sec. 8. Section 7, chapter 65, Laws of 1955 and RCW 53.08.060 are each amended to read as follows:

A district may improve navigable and nonnavigable waters of the United States and the state of Washington within the district; create and improve for harbor purposes new waterways within the district; and regulate and control all such waters and all natural or artificial waterways within the district (~~((waterways of commercial waterway districts excepted;))~~) and remove obstructions therefrom, and straighten, widen, deepen, and otherwise improve any water, watercourses, bays, lakes or streams, whether navigable or otherwise, flowing through or located within the district.

Sec. 9. Section 8, chapter 92, Laws of 1911 as amended by section 8, chapter 62, Laws of 1913 and RCW 53.20.030 are each amended to read as follows:

No improvements shall be acquired or constructed, by the port district, unless such improvements shall, when completed, be the property of such port district, the county in which such port district is located, (~~(any commercial waterway district created within its boundaries;))~~ any city within such port district, the state of Washington or the United States of America, and the funds of such port district may be expended in the acquirement or construction of any harbor improvement embraced in such general plan adopted as in this chapter provided in conjunction with the county in which such port district is located, (~~(any commercial waterway district created within its boundaries;))~~ any city in such port district, the state of Washington or the United States of America, or all or any of them.

Sec. 10. Section 1, chapter 87, Laws of 1941 and RCW 53.48.010 are each amended to read as follows:

The following words and terms shall, whenever used in this chapter, have the meaning set forth in this section:

(1) The term "district" as used herein, shall include all municipal and quasi municipal corporations having a governing body, other than cities, towns, counties, and townships, such as port, school, (~~((independent highway;))~~) water, fire protection, and all other districts of similar organization, but shall not include local improvement districts, diking, drainage and irrigation districts, nor public utility districts.

(2) The words "board of commissioners," as used herein, shall mean the governing authority of any district as defined in subdivision (1) of this section.

Sec. 11. Section 1, chapter 55, Laws of 1963 and RCW 57.90.010 are each amended to read as follows:

Water, sewer, ~~((sanitary;))~~ park and recreation, metropolitan park, ~~((water distribution;))~~ county rural library, cemetery, flood control, ~~((air pollution;))~~ mosquito control, diking and drainage, irrigation or reclamation, weed, health, or fire protection districts, and any air pollution control authority, hereinafter referred to as "special districts", which are located wholly or in part within a class AA or A county may be disincorporated when the district has not actively carried out any of the special purposes or functions for which it was formed within the preceding consecutive five year period.

Sec. 12. Section 26, chapter 232, Laws of 1957 as last amended by section 31, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.260 are each amended to read as follows:

~~((A district formed under chapter 70.94 RCW prior to June 8, 1967 may be dissolved or))~~ An air pollution control authority may be deactivated prior to the term provided in the original or subsequent agreement by ~~((the participating cities and towns comprising such district or))~~ the county or counties comprising such authority upon the adoption by the board, following a hearing held upon ten days notice, to said ~~((cities, towns, and))~~ counties, of a resolution for dissolution or deactivation and upon the approval by the ~~((governing body of each city or town comprising the district or the board of county commissioners))~~ legislative authority of each county comprising the authority. In such event, the board shall proceed to wind up the affairs of the ~~((district or))~~ authority and pay all indebtedness thereof. Any surplus of funds shall be paid over to ~~((the cities or towns comprising the district or to))~~ the counties comprising the authority in proportion to their last contribution. Upon the completion of the process of closing the affairs of the ~~((district or))~~ authority, the board shall by resolution entered in its minutes declare the ~~((district dissolved or the))~~ authority deactivated and a certified copy of such resolution shall be filed with the secretary of state and ~~((the district thereupon shall be deemed dissolved or))~~ the authority shall be deemed inactive.

Sec. 13. Section 50, chapter 238, Laws of 1967 as amended by section 36, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.380 are each amended to read as follows:

(1) Every activated authority operating an air pollution control program shall have requirements for the control of emissions which are no less stringent than those adopted by the ~~((state board))~~ department of ecology for the geographic area in which such air pollution control program is located. Less stringent requirements than compelled by this section may be included in a local or regional air pollution control program only after approval by the ~~((state board))~~ department of ecology following demonstration to the satisfaction of the ~~((state board))~~ department of ecology that the proposed

requirements are consistent with the purposes of this chapter: PROVIDED, That such approval shall be preceded by public hearing, of which notice has been given in accordance with chapter 42.32 RCW. The ~~((state board))~~ department of ecology, upon receiving evidence that conditions have changed or that additional information is relevant to a decision with respect to the requirements for emission control, may, after public hearing on due notice, withdraw any approval previously given to a less stringent local or regional requirement.

Nothing in this chapter shall be construed to prevent a local or regional air pollution control ~~((district or))~~ authority from adopting and enforcing more stringent emission control requirements than those adopted by the ~~((state board))~~ department of ecology and applicable within the jurisdiction of the local or regional air pollution control ~~((district or))~~ authority.

Sec. 14. Section 52, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.600 are each amended to read as follows:

All authorities in the state shall submit quarterly reports to the ~~((state board))~~ department of ecology detailing the current status of air pollution control regulations in the authority and, by county, the progress made toward bringing all sources in the authority into compliance with authority standards ~~((and with district minimum standards))~~.

Sec. 15. Section 7, chapter 87, Laws of 1887 and RCW 78.08.040 are each amended to read as follows:

~~((Inasmuch as RCW 78.08.031 and 78.08.032 leaves the election of a recorder for a mining district optional with the miners thereof,))~~ All location notices, bonds, assignments and transfers of mining claims shall be recorded in the office of the county auditor of the county where the same is situated within thirty days after the execution thereof ~~((; PROVIDED, that all records of mining claims and of assignments, deeds, bonds and transfers heretofore made by any recorder of any mining district, or by any county auditor, are hereby declared to be valid and to have the same force and effect as records made in pursuance of the provisions of RCW 78.08.005 through 78.08.040))~~.

Sec. 16. Section 6, chapter 45, Laws of 1899 as amended by section 3, chapter 357, Laws of 1955 and RCW 78.08.081 are each amended to read as follows:

Within thirty days after the expiration of the period of time fixed for the performance of annual labor or the making of improvements upon any quartz or lode mining claim or premises, the person in whose behalf such work or improvement was made or some person for him knowing the facts, shall make and record in the office of the county auditor of the county wherein such claims are situate an affidavit or oath of labor performed on such claim. Such affidavit shall state the exact amount and kind of labor, including the number of feet of shaft, tunnel or open cut made on such

claim, or any other kind of improvements allowed by law (~~or by rules of mining districts~~) made thereon. Such affidavit shall contain the section, township and range in which such lode is located if the location be in a surveyed area.

Sec. 17. Section 2, chapter 183, Laws of 1913 and RCW 79.16.400 are each amended to read as follows:

Within twelve months after the taking effect of RCW 79.16.380 and 79.16.400 it shall be the duty of the commissioner of public lands to survey such second class shorelands and in platting such survey to designate thereon as selected for public use all of such shorelands as in the opinion of said commissioner of public lands is available, convenient or necessary to be selected for the use of the public as harbor areas and sites for slips, docks, wharves, warehouses, streets, avenues, parkways and boulevards, alleys and other public purposes. Upon the filing of such plat in the office of the commissioner of public lands, the title to all harbor area so selected shall remain in the state, the title to all selections for streets, avenues and alleys shall vest in any city or town within the corporate limits of which they may be then situate, otherwise in the county in which situate, the title to and control of any lands so selected and designated upon such plat for parkway and boulevard purposes shall, if the same lie outside of the corporate limits of any city or town and if the same form a part of the general parkway and boulevard system of a city of the first class, be in such city, (~~the title to all selections for commercial waterway district purposes shall vest in the commercial waterway district in which situate, or for which selected;~~) and the title to all selections for slips, docks, wharves, warehouses and other public purposes shall vest in the port district if they be situate in a port district, otherwise in the county in which situate.

Sec. 18. Section 1, chapter 104, Laws of 1917 and RCW 85.07.010 are each amended to read as follows:

The commissioners of any diking(;) or drainage (~~or commercial waterway~~) district organized under the laws of this state, shall have power and authority to rent any machinery, tools or equipment belonging to such district, to any individual or corporation for hire under such conditions regarding the care and maintenance thereof as the commissioners may determine; and all sums of money received for the rent thereof shall be paid into the county treasury, to the credit of the district.

Sec. 19. Section 6, chapter 163, Laws of 1935 and RCW 86.24.040 are each amended to read as follows:

In any case where the boundaries of any flood control district shall embrace all or any part of any county, city, town, diking, or drainage (~~or waterway~~) district, subject to flood conditions, the governing authorities thereof may contract with the directors of such flood control district, with

the written approval of the state director, for the maintenance, repair, renewal and extension of any existing flood control works of such county, city, town, diking, or drainage ((or waterway)) district, situated within the flood control district, and for the construction and maintenance of specific flood control projects, for such term of years and for the payment to such flood control district therefor of such annual sums as in said contract specified.

NEW SECTION. Sec. 20. The following acts or parts of acts are each repealed:

- (1) Section 1, chapter 266, Laws of 1953 and RCW 53.48.130;
- (2) Section 5, chapter 87, Laws of 1887 and RCW 78.08.031;
- (3) Section 6, chapter 87, Laws of 1887 and RCW 78.08.032;
- (4) Section 13, chapter 45, Laws of 1899 and RCW 78.08.120;
- (5) Section 14, chapter 45, Laws of 1899 and RCW 78.08.140;
- (6) Section 73, chapter 292, Laws of 1971 ex. sess. and RCW 87.60.150;
- (7) Section 178, chapter 81, Laws of 1971 and RCW 91.04.325;
- (8) Section 179, chapter 81, Laws of 1971 and RCW 91.04.360;
- (9) Section 1, chapter 38, Laws of 1923 and RCW 91.06.010;
- (10) Section 2, chapter 38, Laws of 1923 and RCW 91.06.020;
- (11) Section 3, chapter 38, Laws of 1923 and RCW 91.06.030;
- (12) Section 4, chapter 38, Laws of 1923 and RCW 91.06.040;
- (13) Section 5, chapter 38, Laws of 1923 and RCW 91.06.050;
- (14) Section 6, chapter 38, Laws of 1923 and RCW 91.06.060;
- (15) Section 7, chapter 38, Laws of 1923, section 1, chapter 222, Laws of 1947 and RCW 91.06.070;
- (16) Section 8, chapter 38, Laws of 1923 and RCW 91.06.080;
- (17) Section 9, chapter 38, Laws of 1923 and RCW 91.06.090;
- (18) Section 10, chapter 38, Laws of 1923 and RCW 91.06.100;
- (19) Section 1, chapter 97, Laws of 1963 and RCW 91.07.010; and
- (20) Section 2, chapter 97, Laws of 1963 and RCW 91.07.020.

Passed the House March 21, 1979.

Passed the Senate April 10, 1979.

Approved by the Governor April 23, 1979.

Filed in Office of Secretary of State April 23, 1979.

CHAPTER 31

[Substitute House Bill No. 163]

VETERINARY BOARD OF GOVERNORS—COMPOSITION—SUNSET REVIEW AND TERMINATION

AN ACT Relating to the Washington state veterinary board of governors; amending section 3, chapter 92, Laws of 1959 as amended by section 2, chapter 50, Laws of 1967 ex. sess. and RCW 18.92.021; and providing a termination date.

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

Section 1. Section 3, chapter 92, Laws of 1959 as amended by section 2, chapter 50, Laws of 1967 ex. sess. and RCW 18.92.021 are each amended to read as follows:

(1) There is created a Washington state veterinary board of governors consisting of ~~((five))~~ six members, five of whom shall be licensed veterinarians, and one of whom shall be a lay member.

(2) The licensed members shall be appointed by the governor (~~((from a list of three or more names approved and submitted by the Washington State Veterinary Medical Association for each position to be filled))~~). At the time of their appointment the licensed members of the board must be actual residents of the state in active practice as licensed practitioners of veterinary medicine, surgery, and dentistry and must be citizens of the United States. Not more than one licensed member shall be from the same congressional district.

The terms of the first licensed members of the board shall be as follows: One member for five, four, three, two, and one years respectively. Thereafter the terms shall be for five years and until their successors are appointed and qualified.

(3) The lay member shall be appointed by the governor for a five year term and until the lay member's successor is appointed.

(4) A member may be appointed to serve a second term, if that term does not run consecutively. Vacancies in the board shall be filled by the governor, the appointee to hold office for the remainder of the unexpired term.

(5) Officers of the board shall be a chairman, who shall be the senior member, and a secretary-treasurer to be chosen by the members of the board.

NEW SECTION. Sec. 2. The Washington state veterinary board of governors and its powers and duties shall terminate on June 30, 1983, and shall be subject to all of the processes provided in RCW 43.131.010 through 43.131.110 as now existing or hereafter amended.

Passed the House March 21, 1979.

Passed the Senate April 11, 1979.

Approved by the Governor April 23, 1979.

Filed in Office of Secretary of State April 23, 1979.

CHAPTER 32

[Substitute House Bill No. 186]

CHRISTMAS TREES—HARVESTING AND EXPORTING

AN ACT Relating to Christmas tree sales; repealing section 6, chapter 112, Laws of 1937, section 2, chapter 225, Laws of 1955 and RCW 19.12.070; repealing section 7, chapter 112, Laws of 1937 and RCW 19.12.090; and repealing section 43.30.100, chapter 8, Laws of 1965 and RCW 43.30.100.

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

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

- (1) Section 6, chapter 112, Laws of 1937, section 2, chapter 225, Laws of 1955 and RCW 19.12.070;
- (2) Section 7, chapter 112, Laws of 1937 and RCW 19.12.090; and
- (3) Section 43.30.100, chapter 8, Laws of 1965 and RCW 43.30.100.

Passed the House March 21, 1979.

Passed the Senate April 11, 1979.

Approved by the Governor April 23, 1979.

Filed in Office of Secretary of State April 23, 1979.

CHAPTER 33

[House Bill No. 380]

STATE HIGHWAY ROUTES

AN ACT Relating to the state highway system; amending section 15, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.070; amending section 23, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.110; amending section 28, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.135; amending section 33, chapter 51, Laws of 1970 ex. sess. as amended by section 3, chapter 73, Laws of 1971 ex. sess. and RCW 47.17.160; amending section 49, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.240; amending section 51, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.250; amending section 5, chapter 151, Laws of 1973 1st ex. sess. and RCW 47.17.281; amending section 67, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.330; amending section 10, chapter 73, Laws of 1971 ex. sess. and RCW 47.17.372; amending section 77, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.380; amending section 6, chapter 151, Laws of 1973 1st ex. sess. and RCW 47.17.382; amending section 91, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.450; amending section 116, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.575; amending section 137, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.680; amending section 166, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.825; adding a new section to chapter 47.17 RCW; and repealing section 31, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.150.

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

Section 1. Section 15, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.070 are each amended to read as follows:

A state highway to be known as state route number 17 is established as follows:

Beginning at a junction with state route number 395 in the vicinity of ((Eltopia)) Mesa, thence northwesterly ((to a junction with state route number 90 in)) by way of the vicinity of Moses Lake, ((thence northwesterly to a junction with state route number 28 in the vicinity of Soap Lake; also

From that junction with state route number 28 in the vicinity of)) and Soap Lake, ((thence northerly by the most feasible route)) to a junction with state route number 2 west of Coulee City; also

~~((Beginning at))~~ From a junction with state route number 2 in the vicinity west of Coulee City, thence northerly by way of the vicinity of Leahy, crossing the Columbia river in the vicinity of Bridgeport ~~((and the Chief Joseph dam))~~, thence northwesterly ~~((on the north side of the Columbia river))~~ to a junction with state route number 97 east of Brewster.

Sec. 2. Section 23, chapter 51, Laws of 1970 ex. sess. and RCW 47.17-.110 are each amended to read as follows:

A state highway to be known as state route number 26 is established as follows:

Beginning at a junction with state route number 90 in the vicinity of the east end of the Vantage bridge, thence ~~((in a))~~ southerly ~~((direction))~~, parallel to the east bank of the Columbia river for a distance of approximately two and one-half miles, thence southeasterly to the vicinity of Othello, thence easterly to a junction with state route number 395, thence easterly ~~((to a junction with state route number 261 in the vicinity of Washtucna; also~~

~~From a junction with state route number 261 in))~~ by way of the vicinity of Washtucna~~((; thence easterly by way of La Crosse))~~ and Dusty to a junction with state route number ~~((+27))~~ 195 in the vicinity of ~~((Dusty))~~ Colfax.

Sec. 3. Section 28, chapter 51, Laws of 1970 ex. sess. and RCW 47.17-.135 are each amended to read as follows:

A state highway to be known as state route number 82 is established as follows:

Beginning at a junction with state route number 90 in the vicinity of Ellensburg, thence southerly ~~((by the most feasible route))~~ and easterly by way of Yakima ~~((to a junction with state route number 12 at Union Gap; also~~

~~From that junction with state route number 12 in the vicinity of))~~, Union Gap, Sunnyside, Prosser, Kiona, and Goose Gap west of Richland, thence southeasterly near Kennewick and southwesterly by way of the vicinity of Plymouth to a ~~((suitable))~~ crossing of the Columbia river ~~((to connect with a public roadway within the state of Oregon known as 80N))~~ at the Washington-Oregon boundary line.

Sec. 4. Section 33, chapter 51, Laws of 1970 ex. sess. as amended by section 3, chapter 73, Laws of 1971 ex. sess. and RCW 47.17.160 are each amended to read as follows:

A state highway to be known as state route number 99 is established as follows:

Beginning at a junction with state route number 18 in the vicinity of Federal Way, thence northerly by way of Midway, Seattle, Edmonds, and Lynnwood to a junction with state route number 5 in Everett: PROVIDED, That until state route number 509 is constructed and opened to traffic on an

anticipated ultimate alignment from a junction with state route number ~~((5))~~ 705 in Tacoma via the Port of Tacoma industrial area to a junction with state route number 18 in the vicinity of Federal Way that portion of state route number 99 between state route number 5 at Fife and state route number 18 in the vicinity of Federal Way shall remain on the state highway system.

Sec. 5. Section 49, chapter 51, Laws of 1970 ex. sess. and RCW 47.17-.240 are each amended to read as follows:

A state highway to be known as state route number 125 is established as follows:

Beginning at the Washington–Oregon boundary line south of Walla Walla, thence northerly to a junction with state route number 12 at Walla Walla; also

From ~~((that))~~ a junction with state route number 12 at Walla Walla, thence northerly to a junction with state route number 124 at Prescott.

Sec. 6. Section 51, chapter 51, Laws of 1970 ex. sess. and RCW 47.17-.250 are each amended to read as follows:

A state highway to be known as state route number 127 is established as follows:

Beginning at a junction with state route number 12 in the vicinity of Dodge, thence northerly to a junction with state route number ~~((195 at Colfax))~~ 26 in the vicinity of Dusty.

Sec. 7. Section 5, chapter 151, Laws of 1973 1st ex. sess. and RCW 47-.17.281 are each amended to read as follows:

A state highway to be known as state route number 143 is established as follows:

Beginning at the Washington–Oregon boundary on the interstate bridge across the Columbia river in the vicinity of McNary Dam, thence northerly ~~((by the most feasible route))~~ to a junction with state route number 14 in the vicinity of Plymouth ~~((:PROVIDED, That this section shall not become effective until tolls are no longer charged on this bridge and until the highway commission has entered into an agreement with the state of Oregon or a political subdivision or municipal corporation of the state of Oregon or an instrumentality thereof providing for the maintenance and operation of this bridge)).~~

Sec. 8. Section 67, chapter 51, Laws of 1970 ex. sess. and RCW 47.17-.330 are each amended to read as follows:

A state highway to be known as state route number 167 is established as follows:

Beginning at a junction with state route number 5 in the vicinity of Tacoma, thence easterly by way of the vicinity of Puyallup and Sumner, thence northerly ~~((to a junction with state route number 18 at Auburn; also~~

~~From that junction with state route number 18 at Auburn, thence northerly)) by way of the vicinity of Auburn, Kent, Renton, and Bryn Mawr to a junction with state route number 900 at Seattle((; also~~

~~From a junction with state route number 18 at Auburn northerly to the north city limits of Kent.~~

~~Notwithstanding any other provision of law, that portion of existing state route number 167 now lying between the north city limits of Kent and state route number 18 in the vicinity of Auburn shall remain as a part of state route number 167 until such time as the new route of state route number 167 lying between the north city limits of Kent and state route number 18 in the vicinity of Auburn has been completed in its entirety and is open to traffic)).~~

Sec. 9. Section 10, chapter 73, Laws of 1971 ex. sess. and RCW 47.17-.372 are each amended to read as follows:

A state highway to be known as state route number 182 is established as follows:

Beginning at a junction with state route number 82 in the vicinity of Goose Gap, thence easterly via ~~((Kiona and))~~ Richland to a junction with state route number 395 in the vicinity of Pasco.

Sec. 10. Section 77, chapter 51, Laws of 1970 ex. sess. and RCW 47-.17.380 are each amended to read as follows:

A state highway to be known as state route number 195 is established as follows:

Beginning at ~~((a junction with state route number 95 southeast of Uniontown near))~~ the Washington-Idaho boundary line southeast of Uniontown, thence northwesterly ~~((to a junction with state route number 27 at Pullman; also~~

~~From that junction with state route number 27 at)) and northerly by way of the vicinity of Pullman, ((thence northwesterly by the most feasible route to a junction with state route number 127 at Colfax; also~~

~~From that junction with state route number 127 at)) Colfax, ((thence in a northerly direction by the most feasible route by way of)) and Rosalia to a junction with state route number 90 at Spokane.~~

Sec. 11. Section 6, chapter 151, Laws of 1973 1st ex. sess. and RCW 47.17.382 are each amended to read as follows:

A state highway to be known as state route number 197 is established as follows:

Beginning at the Washington-Oregon boundary on the interstate bridge across the Columbia river in the vicinity of The Dalles, thence northerly ~~((by the most feasible route))~~ to a junction with state route number 14~~((: PROVIDED, That this section shall not become effective until tolls are no longer charged on this bridge and until the highway commission has entered into an agreement with the state of Oregon or a political subdivision or~~

~~municipal corporation of the state of Oregon or an instrumentality thereof providing for the maintenance and operation of this bridge)).~~

Sec. 12. Section 91, chapter 51, Laws of 1970 ex. sess. and RCW 47-.17.450 are each amended to read as follows:

A state highway to be known as state route number 232 is established as follows:

Beginning at a ~~((point approximately one mile))~~ junction with state route number 231 in the vicinity south of Valley, thence easterly ((one and one-half miles)) to a junction with state route number 395.

Sec. 13. Section 116, chapter 51, Laws of 1970 ex. sess. and RCW 47-.17.575 are each amended to read as follows:

A state highway to be known as state route number 395 is established as follows:

Beginning at the Washington-Oregon boundary line, thence northeasterly to a junction with state route number 12 at Wallula; also

~~((Beginning at))~~ From a junction with state route number 12 at Pasco, thence northeasterly ((by the most feasible route)) by way of the vicinity of Mesa and Connell ((and Lind)) to a junction with state route number 90 at Ritzville; also

~~((Beginning at))~~ From a junction with state route number 2 in the vicinity north of Spokane, thence northerly ((by the most feasible route)) by way of the vicinity of Colville and Kettle Falls to the international boundary line in the vicinity of Laurier.

Sec. 14. Section 137, chapter 51, Laws of 1970 ex. sess. and RCW 47-.17.680 are each amended to read as follows:

A state highway to be known as state route number 509 is established as follows:

Beginning at a junction with state route number ~~((5))~~ 705 at Tacoma, thence northeasterly ~~((west of state route number 99 by way of Redondo))~~ to a junction with state route number ~~((516 at Des Moines))~~ 99 in the vicinity of Redondo; also

From ~~((that))~~ a junction with state route number ~~((516 at Des Moines))~~ 99 northeast of Redondo, thence northerly via Des Moines to a junction with state route number ~~((5))~~ 99 in Seattle: PROVIDED, That until state route number 705 is constructed and open to traffic on an anticipated new alignment, that portion of existing state route number 509 in Tacoma from state route number 5 northerly to the central business district shall remain on the state highway system.

NEW SECTION. Sec. 15. There is added to chapter 47.17 RCW a new section to read as follows:

A state highway to be known as state route number 705 is established as follows:

Beginning at a junction with state route number 5 in Tacoma, thence northerly to a junction with Schuster Parkway in the Tacoma central business district.

Sec. 16. Section 166, chapter 51, Laws of 1970 ex. sess. and RCW 47-17.825 are each amended to read as follows:

A state highway to be known as state route number 900 is established as follows:

Beginning at a junction with state route number 99 in Seattle (~~(in King county)~~), thence (~~(in an)~~) easterly (~~(direction by the most feasible route)~~) and southerly by way of Renton to a junction with state route number 90 in the vicinity of Issaquah.

NEW SECTION. Sec. 17. Section 31, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.150 are each repealed.

Passed the House March 21, 1979.

Passed the Senate April 11, 1979.

Approved by the Governor April 23, 1979.

Filed in Office of Secretary of State April 23, 1979.

CHAPTER 34

[House Bill No. 455]

EMPLOYEE WELFARE TRUST FUNDS

AN ACT Relating to employee welfare trust funds; repealing section 1, chapter 8, Laws of 1955 ex. sess. and RCW 48.52.010; repealing section 4, chapter 69, Laws of 1965 ex. sess. and RCW 48.52.015; repealing section 2, chapter 8, Laws of 1955 ex. sess., section 1, chapter 174, Laws of 1961, section 1, chapter 69, Laws of 1965 ex. sess. and RCW 48.52.020; repealing section 3, chapter 8, Laws of 1955 ex. sess., section 2, chapter 174, Laws of 1961, section 2, chapter 69, Laws of 1965 ex. sess. and RCW 48.52.030; repealing section 4, chapter 8, Laws of 1955 ex. sess. and RCW 48.52.040; repealing section 5, chapter 8, Laws of 1955 ex. sess. and RCW 48.52.050; repealing section 6, chapter 8, Laws of 1955 ex. sess., section 19, chapter 237, Laws of 1967 and RCW 48.52.060; repealing section 7, chapter 8, Laws of 1955 ex. sess., section 3, chapter 69, Laws of 1965 ex. sess. and RCW 48.52.070; repealing section 8, chapter 8, Laws of 1955 ex. sess. and RCW 48.52.080; and repealing section 4, chapter 139, Laws of 1974 ex. sess. and RCW 48.52.090.

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

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

- (1) Section 1, chapter 8, Laws of 1955 ex. sess. and RCW 48.52.010;
- (2) Section 4, chapter 69, Laws of 1965 ex. sess. and RCW 48.52.015;
- (3) Section 2, chapter 8, Laws of 1955 ex. sess., section 1, chapter 174, Laws of 1961, section 1, chapter 69, Laws of 1965 ex. sess. and RCW 48.52.020;
- (4) Section 3, chapter 8, Laws of 1955 ex. sess., section 2, chapter 174, Laws of 1961, section 2, chapter 69, Laws of 1965 ex. sess. and RCW 48.52.030;

- (5) Section 4, chapter 8, Laws of 1955 ex. sess. and RCW 48.52.040;
 (6) Section 5, chapter 8, Laws of 1955 ex. sess. and RCW 48.52.050;
 (7) Section 6, chapter 8, Laws of 1955 ex. sess., section 19, chapter 237, Laws of 1967 and RCW 48.52.060;
 (8) Section 7, chapter 8, Laws of 1955 ex. sess., section 3, chapter 69, Laws of 1965 ex. sess. and RCW 48.52.070;
 (9) Section 8, chapter 8, Laws of 1955 ex. sess. and RCW 48.52.080;
 and
 (10) Section 4, chapter 139, Laws of 1974 ex. sess. and RCW 48.52.090.

Passed the House March 21, 1979.

Passed the Senate April 11, 1979.

Approved by the Governor April 23, 1979.

Filed in Office of Secretary of State April 23, 1979.

CHAPTER 35

[Substitute House Bill No. 546]

INSURERS—EXAMINATIONS—REIMBURSEMENT OF EXPENSES

AN ACT Relating to insurance; and amending section .03.06, chapter 79, Laws of 1947 and RCW 48.03.060.

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

Section 1. Section .03.06, chapter 79, Laws of 1947 and RCW 48.03-.060 are each amended to read as follows:

(1) Examinations within this state of any insurer domiciled or having its home offices in this state, other than a title insurer, made by the commissioner or his examiners and employees shall, except as to fees, mileage, and expense incurred as to witnesses, be at the expense of the state.

(2) Every other examination, whatsoever, or any part of the examination of any person domiciled or having its home offices in this state requiring travel and services outside this state, shall be made by the commissioner or by examiners designated by him and shall be at the expense of the person examined; but a domestic insurer shall not be liable for the compensation of examiners employed by the commissioner for such services outside this state.

(3) The person examined and liable therefor shall ((pay to the commissioner's examiners)) reimburse the state upon presentation of an itemized statement thereof, ((their)) for the actual travel expenses of the commissioner's examiners, their reasonable living expense allowance, and their per diem compensation, including salary and the employer's cost of employee benefits, at a reasonable rate approved by the commissioner, incurred on account of the examination((; except, that a)). Per diem salary for employees examining insurers domiciled outside the state of Washington shall be

established by the commissioner on the basis of the National Association of Insurance Commissioner's recommended salary schedule for zone examiners, or the salary schedule established by the state personnel board, whichever is higher. Domestic title insurer shall pay the examination expense and costs to the commissioner as itemized and billed by him.

The commissioner or his examiners shall not receive or accept any additional emolument on account of any examination.

Passed the House March 21, 1979.

Passed the Senate April 11, 1979.

Approved by the Governor April 23, 1979.

Filed in Office of Secretary of State April 23, 1979.

CHAPTER 36

[House Bill No. 571]

CRIMINAL HISTORY RECORD INFORMATION—DISSEMINATION, DISCLOSURE

AN ACT Relating to the privacy of criminal records; amending section 3, chapter 314, Laws of 1977 ex. sess. and RCW 10.97.030; amending section 4, chapter 314, Laws of 1977 ex. sess. and RCW 10.97.040; amending section 8, chapter 314, Laws of 1977 ex. sess. and RCW 10.97.080; amending section 9, chapter 314, Laws of 1977 ex. sess. and RCW 10.97.090; amending section 11, chapter 314, Laws of 1977 ex. sess. and RCW 10.97.110; repealing and reenacting section 3, chapter 152, Laws of 1972 ex. sess. as amended by section 1, chapter 30, Laws of 1977 ex. sess. and by section 15, chapter 314, Laws of 1977 ex. sess. and RCW 43.43.710; and adding a new section to chapter 314, Laws of 1977 ex. sess. and to chapter 10.97 RCW.

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

Section 1. Section 3, chapter 314, Laws of 1977 ex. sess. and RCW 10.97.030 are each amended to read as follows:

For purposes of this chapter, the definitions of terms in this section shall apply.

(1) "Criminal history record information" means information contained in records collected by criminal justice agencies, other than courts, on individuals, other than juveniles, consisting of identifiable descriptions and notations of arrests, detentions, indictments, informations, or other formal criminal charges, and any disposition arising therefrom, including sentences, correctional supervision, and release. The term includes information contained in records maintained by or obtained from criminal justice agencies, other than courts, which records provide individual identification of a person together with any portion of the individual's record of involvement in the criminal justice system as an alleged or convicted offender, except:

(a) Posters, announcements, or lists for identifying or apprehending fugitives or wanted persons;

(b) Original records of entry maintained by criminal justice agencies to the extent that such records are compiled and maintained chronologically and are accessible only on a chronological basis;

(c) Court indices and records of public judicial proceedings, court decisions, and opinions, and information disclosed during public judicial proceedings;

(d) Records of traffic violations which are not punishable by a maximum term of imprisonment of more than ninety days;

(e) Records of any traffic offenses as maintained by the department of ~~((motor vehicles))~~ licensing for the purpose of regulating the issuance, suspension, revocation, or renewal of drivers' or other operators' licenses and pursuant to RCW 46.52.130 as now existing or hereafter amended;

(f) Records of any aviation violations or offenses as maintained by the ~~((aeronautics commission))~~ department of transportation for the purpose of regulating pilots or other aviation operators, and pursuant to RCW ~~((14-04.330))~~ 47.68.330 as now existing or hereafter amended;

(g) Announcements of executive clemency.

(2) "Nonconviction data" consists of all criminal history record information relating to an incident which has not led to a conviction or other disposition adverse to the subject, and for which proceedings are no longer actively pending. There shall be a rebuttable presumption that proceedings are no longer actively pending if more than one year has elapsed since arrest, citation, or service of warrant and no disposition has been entered.

(3) "Conviction record" means criminal history record information relating to an incident which has led to a conviction or other disposition adverse to the subject.

(4) "Conviction or other disposition adverse to the subject" means any disposition of charges, except a decision not to prosecute, a dismissal, or acquittal: PROVIDED, HOWEVER, That a dismissal entered after a period of probation, suspension, or deferral of sentence shall be considered a disposition adverse to the subject.

(5) "Criminal justice agency" means: (a) A court; or (b) a government agency which performs the administration of criminal justice pursuant to a statute or executive order and which allocates a substantial part of its annual budget to the administration of criminal justice.

(6) "The administration of criminal justice" means performance of any of the following activities: Detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders. The term also includes criminal identification activities and the collection, storage, dissemination of criminal history record information, and the compensation of victims of crime.

(7) "Disposition" means the formal conclusion of a criminal proceeding at whatever stage it occurs in the criminal justice system.

(8) "Dissemination" means disclosing criminal history record information or disclosing the absence of criminal history record information to any

person or agency outside the agency possessing the information, subject to the following exceptions:

(a) When criminal justice agencies jointly participate in the maintenance of a single record keeping department as an alternative to maintaining separate records, the furnishing of information by that department to personnel of any participating agency is not a dissemination;

(b) The furnishing of information by ~~((one))~~ any criminal justice agency to another for the purpose of processing a matter through the criminal justice system, such as a police department providing information to a prosecutor for use in preparing a charge ~~((resulting from an investigation by that department))~~, is not a dissemination;

(c) The reporting of an event to a record keeping agency for the purpose of maintaining the record is not a dissemination.

~~((9) "State planning agency" shall mean that agency designated by law or executive order to fulfill the functions established by 42 U.S.C. Section 3701, the "Omnibus Crime Control and Safe Streets Act of 1968", as amended.))~~

Sec. 2. Section 4, chapter 314, Laws of 1977 ex. sess. and RCW 10.97-.040 are each amended to read as follows:

~~((Effective January 1, 1978.))~~ No criminal justice agency shall disseminate criminal history record information pertaining to an arrest, detention, indictment, information, or other formal criminal charge made after December 31, 1977, unless the record disseminated states the disposition of such charge to the extent dispositions have been made at the time of the request for the information: PROVIDED, HOWEVER, That if a disposition occurring within ten days immediately preceding the dissemination has not been reported to the agency disseminating the criminal history record information, or if information has been received by the agency within the seventy-two hours immediately preceding the dissemination, that information shall not be required to be included in the dissemination: PROVIDED FURTHER, That when another criminal justice agency requests criminal history record information, the disseminating agency may disseminate specific facts and incidents which are within its direct knowledge without furnishing disposition data as otherwise required by this section, unless the disseminating agency has received such disposition data from either: (1) the state patrol, or (2) the court or other criminal justice agency required to furnish disposition data pursuant to section 6 of this 1979 act.

~~((Effective January 1, 1978.))~~ No criminal justice agency shall disseminate criminal history record information which shall include information concerning a felony or gross misdemeanor without first making inquiry of the identification section of the Washington state patrol for the purpose of obtaining the most current and complete information available, unless one or more of the following circumstances exists:

(1) The information to be disseminated is needed for a purpose in the administration of criminal justice for which time is of the essence and the identification section is technically or physically incapable of responding within the required time;

(2) The full information requested and to be disseminated relates to specific facts or incidents which are within the direct knowledge of the agency which disseminates the information;

(3) The full information requested and to be disseminated is contained in a criminal history record information summary received from the identification section by the agency which is to make the dissemination not more than thirty days preceding the dissemination to be made;

(4) The statute, executive order, court rule, or court order pursuant to which the information is to be disseminated refers solely to information in the files of the agency which makes the dissemination; ((or))

(5) The information requested and to be disseminated is for the express purpose of research, evaluative, or statistical activities to be based upon information maintained in the files of the agency or agencies from which the information is directly sought; or

(6) A person who is the subject of the record requests the information and the agency complies with the requirements in RCW 10.97.080 as now or hereafter amended.

Sec. 3. Section 8, chapter 314, Laws of 1977 ex. sess. and RCW 10.97-.080 are each amended to read as follows:

All criminal justice agencies shall permit an individual who is, or who believes that he may be, the subject of a criminal record maintained by that agency, to appear in person during normal business hours of that criminal justice agency and request to see the criminal history record information held by that agency pertaining to the individual. The individual's right to access and review of criminal history record information shall not extend to data contained in intelligence, investigative, or other related files, and shall not be construed to include any information other than that defined as criminal history record information by this chapter.

Every criminal justice agency shall adopt rules and make available forms to facilitate the inspection and review of criminal history record information by the subjects thereof, which rules may include requirements for identification, the establishment of reasonable periods of time to be allowed an individual to examine the record, and for assistance by an individual's counsel, interpreter, or other appropriate persons.

No person shall be allowed to retain or mechanically reproduce any nonconviction data except for the purpose of challenge or correction when the person who is the subject of the record asserts the belief in writing that the information regarding such person is inaccurate or incomplete. The provisions of chapter 42.17 RCW shall not be construed to require or authorize copying of nonconviction data for any other purpose.

The (~~state planning agency~~) Washington state patrol shall establish rules for the challenge of records which an individual declares to be inaccurate or incomplete, and for the resolution of any disputes between individuals and criminal justice agencies pertaining to the accuracy and completeness of criminal history record information. The (~~state planning agency~~) Washington state patrol shall also adopt rules for the correction of criminal history record information and the dissemination of corrected information to agencies and persons to whom inaccurate or incomplete information was previously disseminated. Such rules may establish time limitations of not less than ninety days upon the requirement for disseminating corrected information.

Sec. 4. Section 9, chapter 314, Laws of 1977 ex. sess. and RCW 10.97-.090 are each amended to read as follows:

The (~~state planning agency~~) Washington state patrol is hereby designated the agency of state government responsible for the administration of the 1977 Washington State Criminal Records Privacy Act. The (~~state planning agency~~) Washington state patrol may adopt any rules and regulations necessary for the performance of the administrative functions provided for in this chapter.

The (~~state planning agency~~) Washington state patrol shall have the following specific administrative duties:

- (1) To establish by rule and regulation standards for the security of criminal history information systems in order that such systems and the data contained therein be adequately protected from fire, theft, loss, destruction, other physical hazard, or unauthorized access;
- (2) To establish by rule and regulation standards for personnel employed by criminal justice of other state and local government agencies in positions with responsibility for maintenance and dissemination of criminal history record information; and
- (3) To contract with the Washington state auditor or other public or private agency, organization, or individual to perform audits of criminal history record information systems.

Sec. 5. Section 11, chapter 314, Laws of 1977 ex. sess. and RCW 10.97.110 are each amended to read as follows:

Any person may maintain an action to enjoin a continuance of any act or acts in violation of any of the provisions of this chapter, and if injured thereby, for the recovery of damages and for the recovery of reasonable attorneys' fees. If, in such action, the court shall find that the defendant is violating or has violated any of the provisions of this chapter, it shall enjoin the defendant from a continuance thereof, and it shall not be necessary that actual damages to the plaintiff be alleged or proved. In addition to such injunctive relief, the plaintiff in said action shall be entitled to recover from the defendant the amount of the actual damages, if any, sustained by him if actual damages to the plaintiff are alleged and proved. In any suit brought

to enjoin a violation of this chapter, the prevailing party may be awarded reasonable attorneys' fees, including fees incurred upon appeal. Commencement, pendency, or conclusion of a civil action for injunction or damages shall not affect the liability ((or)) of a person or agency to criminal prosecution for a violation of this chapter.

NEW SECTION. Sec. 6. There is added to chapter 314, Laws of 1977 ex. sess. and to chapter 10.97 RCW a new section to read as follows:

Whenever a court or other criminal justice agency reaches a disposition of a criminal proceeding, the court or other criminal justice agency shall furnish the disposition data to the agency initiating the criminal history record for that charge and to the identification section of the Washington state patrol as required under RCW 43.43.745.

Sec. 7. Section 3, chapter 152, Laws of 1972 ex. sess. as amended by section 1, chapter 30, Laws of 1977 ex. sess. and by section 15, chapter 314, Laws of 1977 ex. sess. and RCW 43.43.710 are each repealed and reenacted to read as follows:

Information contained in the files and records of the section relative to the commission of any crime by any person shall be considered privileged and shall not be made public or disclosed for any personal purpose or in any civil court proceedings except upon a written order of the judge of a court wherein such civil proceedings are had. All information contained in the files of the section relative to criminal records and personal histories of persons arrested for the commission of a crime shall be available to all criminal justice agencies and, for the sole purpose of investigating the cause of fires under RCW 48.48.060(2) where the cause is suspected to be arson, to the state fire marshal, upon the filing of an application as provided in RCW 43.43.705.

Although no application for information has been made to the section as provided in RCW 43.43.705, the section may transmit such information in the chief's discretion, to such agencies as are authorized by RCW 43.43.705 to make application for it.

Passed the House March 29, 1979.

Passed the Senate April 11, 1979.

Approved by the Governor April 23, 1979.

Filed in Office of Secretary of State April 23, 1979.

CHAPTER 37

[House Bill No. 576]

APPRENTICESHIP—COUNCIL MEMBERSHIP—AGREEMENT STANDARDS

AN ACT Relating to apprenticeship; amending section 1, chapter 231, Laws of 1941 as last amended by section 72, chapter 75, Laws of 1977 and RCW 49.04.010; amending section 2, chapter 231, Laws of 1941 as amended by section 2, chapter 114, Laws of 1961 and

RCW 49.04.030; and amending section 4, chapter 231, Laws of 1941 as amended by section 3, chapter 114, Laws of 1961 and RCW 49.04.050.

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

Section 1: Section 1, chapter 231, Laws of 1941 as last amended by section 72, chapter 75, Laws of 1977 and RCW 49.04.010 are each amended to read as follows:

The director of labor and industries shall appoint an apprenticeship council, composed of three representatives each from employer and employee organizations, respectively. The terms of office of the members of the apprenticeship council first appointed by the director of labor and industries shall be as follows: One representative each of employers and employees shall be appointed for one year, two years, and three years, respectively. Thereafter, each member shall be appointed for a term of three years. Each member shall hold office until his successor is appointed and has qualified and any vacancy shall be filled by appointment for the unexpired portion of the term. The state official who has been designated by the ~~((state board))~~ commission for vocational education as being in charge of trade and industrial education and the state official who has immediate charge of the state public employment service shall ex officio be members of said council, without vote. Each member of the council, not otherwise compensated by public moneys, shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended and shall be paid not more than twenty-five dollars for each day spent in attendance at meetings of the council. The apprenticeship council with the consent of employee and employer groups shall: (1) Establish standards for apprenticeship agreements in conformity with the provisions of this chapter; (2) issue such rules and regulations as may be necessary to carry out the intent and purposes of this chapter, including a procedure to resolve an impasse should a tie vote of the council occur; and (3) perform such other duties as are hereinafter imposed. Not less than once a year the apprenticeship council shall make a report to the director of labor and industries ~~((on))~~ of its activities and findings which shall be available to the public.

Sec. 2. Section 2, chapter 231, Laws of 1941 as amended by section 2, chapter 114, Laws of 1961 and RCW 49.04.030 are each amended to read as follows:

Subject to the confirmation of the state apprenticeship council by a majority vote, the director of labor and industries shall appoint and deputize an assistant director to be known as the supervisor of apprenticeship. Under the supervision of the director of labor and industries and with the advice and guidance of the apprenticeship council, the supervisor shall: (1) Encourage and promote the making of apprenticeship agreements conforming to the standards established by or in accordance with this chapter, and in harmony with the policies of the United States department of labor; (2) act as secretary of the apprenticeship council and of state joint apprenticeship

committees; (3) when so authorized by the apprenticeship council, register such apprenticeship agreements as are in the best interests of the apprentice and conform to the standards established by or in accordance with this chapter; (4) keep a record of apprenticeship agreements and upon performance thereof issue certificates of completion of apprenticeship; (5) terminate or cancel any apprenticeship agreements in accordance with the provisions of such agreements; and who (6) may act to bring about the settlement of differences arising out of the apprenticeship agreement where such differences cannot be adjusted locally or in accordance with the established trade procedure.

Related and supplemental instruction for apprentices, coordination of instruction with job experiences, and the selection and training of teachers and coordinators for such instruction shall be the responsibility of the ((state board)) commission for vocational education and its local recognized agency for vocational education. The director of labor and industries is authorized to appoint such other personnel as may be necessary to aid the apprenticeship council and the supervisor of apprenticeship in the execution of their functions under this chapter.

Sec. 3. Section 4, chapter 231, Laws of 1941 as amended by section 3, chapter 114, Laws of 1961 and RCW 49.04.050 are each amended to read as follows:

Standards of apprenticeship agreements are as follows:

(1) A statement of the trade or craft to be taught and the required hours for completion of apprenticeship which shall be not less than ((four)) two thousand hours of reasonably continuous employment.

(2) A statement of the processes in the trade or craft divisions in which the apprentice is to be taught and the approximate amount of time to be spent at each process.

(3) A statement of the number of hours to be spent by the apprentice in work and the number of hours to be spent in related and supplemental instruction which instruction shall be not less than one hundred forty-four hours per year.

(4) A statement of the age of the apprentice which may not be less than sixteen years of age.

(5) A statement of the progressively increasing scale of wages to be paid the apprentice.

(6) Provision for a period of probation during which the apprenticeship council or the supervisor of apprenticeship may terminate an apprenticeship agreement at the request in writing of any party thereto. After the probationary period the apprenticeship council, or the supervisor of apprenticeship, under the procedure approved by the council, shall be empowered to terminate the apprenticeship agreement in accordance with the provisions of such agreement.

(7) Provision that the services of the supervisor and the apprenticeship council may be utilized for consultation regarding the settlement of differences arising out of the apprenticeship agreement where such differences cannot be adjusted locally or in accordance with the established trade procedure.

(8) Provision that if an employer is unable to fulfill his obligation under the apprenticeship agreement he may transfer such obligation to another employer.

(9) Such additional standards as may be prescribed in accordance with the provisions of this chapter.

Passed the House March 21, 1979.

Passed the Senate April 11, 1979.

Approved by the Governor April 23, 1979.

Filed in Office of Secretary of State April 23, 1979.

CHAPTER 38

[House Bill No. 630]

PUBLIC WORKS RESERVE FUNDS—LIEN ENFORCEMENT—ATTORNEY FEES

AN ACT Relating to public works and awarding of costs and attorney fees; and amending section 3, chapter 166, Laws of 1921 as last amended by section 3, chapter 236, Laws of 1955 and RCW 60.28.030.

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

Section 1. Section 3, chapter 166, Laws of 1921 as last amended by section 3, chapter 236, Laws of 1955 and RCW 60.28.030 are each amended to read as follows:

Any person, firm, or corporation filing a claim against the reserve fund shall have four months from the time of the filing thereof in which to bring an action to foreclose the lien. The lien shall be enforced by action in the superior court of the county where filed, and shall be governed by the laws regulating the proceedings in civil actions touching the mode and manner of trial and the proceedings and laws to secure property so as to hold it for the satisfaction of any lien against it: PROVIDED, That the public body shall not be required to make any detailed answer to any complaint or other pleading but need only certify to the court the name of the contractor; the work contracted to be done; the date of the contract; the date of completion and final acceptance of the work; the amount retained; the amount of taxes certified due or to become due to the state; and all claims filed with it showing respectively the dates of filing, the names of claimants, and amounts claimed. Such certification shall operate to arrest payment of so much of the funds retained as is required to discharge the taxes certified due or to become due and the claims filed in accordance with this chapter.

In any action brought to enforce the lien, the claimant, if he prevails, is entitled to recover, in addition to all other costs, attorney fees in such sum as the court finds reasonable. If a claimant fails to bring action to foreclose his lien within the four months period, the reserve fund shall be discharged from the lien of his claim and the funds shall be paid to the contractor. The four months limitation shall not, however, be construed as a limitation upon the right to sue the contractor or his surety where no right of foreclosure is sought against the fund.

Passed the House March 21, 1979.

Passed the Senate April 11, 1979.

Approved by the Governor April 23, 1979.

Filed in Office of Secretary of State April 23, 1979.

CHAPTER 39

[House Bill No. 689]

LITTER CONTROL VIOLATORS—PENALTY—REMOVAL

AN ACT Relating to litter control; amending section 6, chapter 307, Laws of 1971 ex. sess. and RCW 70.93.060; and prescribing penalties.

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

Section 1. Section 6, chapter 307, Laws of 1971 ex. sess. and RCW 70.93.060 are each amended to read as follows:

No person shall throw, drop, deposit, discard, or otherwise dispose of litter upon any public property in the state or upon private property in this state not owned by him or in the waters of this state whether from a vehicle or otherwise including but not limited to any public highway, public park, beach, campground, forest land, recreational area, trailer park, highway, road, street, or alley except:

(1) When such property is designated by the state or by any of its agencies or political subdivisions for the disposal of garbage and refuse, and such person is authorized to use such property for such purpose;

(2) Into a litter receptacle in such a manner that the litter will be prevented from being carried away or deposited by the elements upon any part of said private or public property or waters.

Any person violating the provisions of this section shall be guilty of a misdemeanor and the fine ~~((or bail forfeiture))~~ for such violation shall not be less than ten dollars for each offense ~~((, and;))~~. In addition thereto, ((in the sound discretion of any court in which conviction is obtained)) except where infirmity or age or other circumstance would create a hardship, such person ((may)) shall be directed by the ((judge)) court in which conviction is obtained to pick up and remove litter from ((any)) public ((place or any)) property and/or private property, with prior permission of the legal owner ~~((upon which it is established by competent evidence that such person has~~

deposited litter, any or all litter deposited thereon by anyone prior to the date of execution of sentence)), for not less than eight hours nor more than sixteen hours for each separate offense. The court shall schedule the time to be spent on such activities in such a manner that it does not interfere with the person's employment and does not interfere substantially with the person's family responsibilities.

Passed the House April 2, 1979.

Passed the Senate April 11, 1979.

Approved by the Governor April 23, 1979.

Filed in Office of Secretary of State April 23, 1979.

CHAPTER 40

[House Bill No. 759]

LIBRARIES—RECRUITMENT EXPENSES

AN ACT Relating to libraries; and adding a new section to chapter 27.12 RCW.

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

NEW SECTION. Section 1. There is added to chapter 27.12 RCW a new section to read as follows:

The trustees of a library or a library district have the authority to spend funds to recruit job candidates. The trustees have the authority to reimburse job candidates for reasonable and necessary travel expenses including transportation, subsistence, and lodging.

Passed the House March 21, 1979.

Passed the Senate April 9, 1979.

Approved by the Governor April 23, 1979.

Filed in Office of Secretary of State April 23, 1979.

CHAPTER 41

[Substitute House Bill No. 774]

STOLEN PROPERTY—RECOVERY FROM PAWNBROKERS OR SECOND-HAND DEALERS—ATTORNEY FEES

AN ACT Relating to pawn brokers and second-hand dealers; adding a new section to chapter 19.60 RCW; and repealing section 2, chapter 114, Laws of 1972 ex. sess. and RCW 19.60.064.

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

NEW SECTION. Section 1. There is added to chapter 19.60 RCW a new section to read as follows:

Whenever the owner of stolen goods locates said stolen goods in the possession of a pawnbroker or second-hand dealer, and brings an action to

recover possession, including proceedings pursuant to chapters 7.64 and 12.28 RCW, the owner shall be entitled to reasonable attorney fees and costs in connection with said action.

NEW SECTION. Sec. 2. Section 2, chapter 114, Laws of 1972 ex. sess. and RCW 19.60.064 are each repealed.

Passed the House March 21, 1979.

Passed the Senate April 11, 1979.

Approved by the Governor April 23, 1979.

Filed in Office of Secretary of State April 23, 1979.

CHAPTER 42

[House Bill No. 888]

REHABILITATION CENTER—USE OF

AN ACT Relating to rehabilitation; and amending section 52, chapter 289, Laws of 1971 ex. sess. and RCW 51.36.050.

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

Section 1. Section 52, chapter 289, Laws of 1971 ex. sess. and RCW 51.36.050 are each amended to read as follows:

The department may operate and control a rehabilitation center and may contract with self-insurers, and any other persons who may be interested, for use of any such center on such terms as the director deems reasonable.

Passed the House March 28, 1979.

Passed the Senate April 11, 1979.

Approved by the Governor April 23, 1979.

Filed in Office of Secretary of State April 23, 1979.

CHAPTER 43

[Substitute House Bill No. 962]

FISHING VESSEL PURCHASE PROGRAM

AN ACT Relating to commercial fishing; amending section 4, chapter 183, Laws of 1975 1st ex. sess. as amended by section 4, chapter 230, Laws of 1977 ex. sess. and RCW 75.28.510; amending section 6, chapter 183, Laws of 1975 1st ex. sess. and RCW 75.28.520; amending section 10, chapter 183, Laws of 1975 1st ex. sess. as amended by section 6, chapter 230, Laws of 1977 ex. sess. and RCW 75.28.540; and amending section 8, chapter 183, Laws of 1975 1st ex. sess. as amended by section 172, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 75.28.530.

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

Section 1. Section 4, chapter 183, Laws of 1975 1st ex. sess. as amended by section 4, chapter 230, Laws of 1977 ex. sess. and RCW 75.28.510 are each amended to read as follows:

The department is authorized to purchase commercial fishing vessels and appurtenant gear, and the current commercial fishing licenses and delivery permits and charter boat licenses issued by the state of Washington if the vessel, licensee, or permit holder:

(1) Was licensed to fish or deliver fish during 1974, 1975, 1976, or 1977 within the case areas; and

(2) Was substantially restricted in its fishing (~~season by the department~~) as a result of compliance with United States of America et al. v. State of Washington et al., Civil No. 9213, United States District Court for Western District of Washington, February 12, 1974, and Sohappay v. Smith, 302 F. Supp. 899 (D. Oregon, 1969), as amended, affirmed, and remanded 529 F. 2d 570 (9th Cir., 1976).

The department shall not purchase any vessel without also purchasing all current Washington commercial fishing licenses and delivery permits and charter boat licenses issued to such vessel or its owner: PROVIDED, That the department is authorized to purchase current licenses and delivery permits in the absence of the purchase of a vessel.

Sec. 2. Section 6, chapter 183, Laws of 1975 1st ex. sess. and RCW 75.28.520 are each amended to read as follows:

The department may arrange for the insurance and storage and for the resale or other disposition of all vessels and gear purchased pursuant to RCW 75.28.500 through 75.28.540. Such vessels shall not be resold by the department to the seller or the seller's immediate family. Such vessels shall not be used by any owner or operator as a commercial fishing or charter vessel (~~other than as a vessel used for angling or other personal use~~) in waters within the state of Washington, nor shall such vessels be used by any owner or operator to deliver fish within the boundaries of the state of Washington. The department shall require that the purchasers or other users of vessels resold or otherwise disposed of by the department execute any and all suitable instruments to insure compliance with the requirements of this section. The director may commence suit or be sued on any such instrument in any state court of record or United States district court having jurisdiction.

Sec. 3. Section 10, chapter 183, Laws of 1975 1st ex. sess. as amended by section 6, chapter 230, Laws of 1977 ex. sess. and RCW 75.28.540 are each amended to read as follows:

No application for participation in the program provided for in RCW 75.28.500 through 75.28.540 shall be accepted by the department later than (~~June 30, 1980~~) December 31, 1981. The director shall provide for the expeditious completion of the program thereafter and shall notify the state legislature when such provisions might appropriately be declared null and void.

Sec. 4. Section 8, chapter 183, Laws of 1975 1st ex. sess. as amended by section 172, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 75.28-.530 are each amended to read as follows:

The director shall promulgate rules and regulations concerning the operation of such program in accordance with the provisions of chapter 34.04 RCW. The director may enlist the aid of such other state agencies to assist the department in the administration of the provisions of RCW 75.28.500 through 75.28.540. To minimize the impact of this program on other ongoing state activities as well as on current staffing levels, the director shall have the authority to contract with persons or entities not employed by the state to assist in the administration of the provisions of RCW 75.28.500 through 75.28.540.

The director shall appoint an advisory board composed of (~~four~~) five individuals who are knowledgeable of the commercial fishing industry to assist the director, including the rendering of advice from time to time concerning the values of licenses and permits which may be purchased pursuant to the provisions of RCW 75.28.510, and to perform such other functions as deemed appropriate by the director. The members of such advisory board shall be reimbursed for travel expenses pursuant to RCW 43.03.050 and 43.03.060 as now existing or hereafter amended for each day or major portion thereof spent in the performance of their duty.

Passed the House March 21, 1979.

Passed the Senate April 10, 1979.

Approved by the Governor April 23, 1979.

Filed in Office of Secretary of State April 23, 1979.

CHAPTER 44

[Substitute House Bill No. 1018]

GROUP LIFE INSURANCE—ASSOCIATIONS

AN ACT Relating to insurance; and adding a new section to chapter 48.24 RCW.

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

NEW SECTION. Section 1. There is added to chapter 48.24 RCW a new section to read as follows:

The lives of a group of individuals may be insured under a policy issued to an association which has been in active existence for at least one year, which has a constitution and bylaws, and which has been organized and is maintained in good faith for purposes other than that of obtaining insurance. Under this group life insurance policy, the association shall be deemed the policyholder. The policy may insure association employees, members, or their employees. Beneficiaries under the policy shall be persons other than

the association or its officers or trustees. The term "employees" as used in this section may include retired employees.

Passed the House March 28, 1979.

Passed the Senate April 11, 1979.

Approved by the Governor April 23, 1979.

Filed in Office of Secretary of State April 23, 1979.

CHAPTER 45

[Substitute House Bill No. 1045]

STATE RETIREMENT SYSTEMS—CETA EMPLOYEES' ELIGIBILITY

AN ACT Relating to state retirement systems; amending section 4, chapter 209, Laws of 1969 ex. sess. as last amended by section 7, chapter 120, Laws of 1974 ex. sess. and RCW 41.26.040; amending section 24, chapter 80, Laws of 1947 as last amended by section 3, chapter 81, Laws of 1965 ex. sess. and RCW 41.32.240; amending section 7, chapter 293, Laws of 1977 ex. sess. and RCW 41.32.780; adding a new section to chapter 41.26 RCW; adding a new section to chapter 41.32 RCW; adding new sections to chapter 41.40 RCW; providing an effective date; and declaring an emergency.

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

Section 1. Section 4, chapter 209, Laws of 1969 ex. sess. as last amended by section 7, chapter 120, Laws of 1974 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) (a) Notwithstanding RCW 41.26.030(8) and except as provided in subsection (1)(b) of this section, 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.

(b) No fire fighter or law enforcement officer who commences a period of employment on or after July 1, 1979, as a participant under the federal comprehensive employment and training act of 1973 (CETA) (29 U.S.C. Sec. 801 et seq.), as amended, shall be a member of this system during the period of such participation unless, at the commencement of the participation under CETA, the fire fighter or law enforcement officer either:

(i) Has at least five years of service and the full amount of the employee's contributions for such service remains on deposit in the system; or

(ii) Has previously been retired from this system.

(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~~) department of retirement systems 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.

NEW SECTION. Sec. 2. There is added to chapter 41.26 RCW a new section to read as follows:

(1) Law enforcement officers and fire fighters excluded under RCW 41.26.040(1) during periods of employment as participants under the federal comprehensive employment and training act of 1973 (CETA), as amended, shall receive service credit in the law enforcement officers' and fire fighters' retirement system for all service as such during the period of participation under CETA which would have been credited except for RCW 41.26.040(1), provided the following conditions are met:

(a) The person is employed within ninety days of ceasing to be a participant under CETA in a position entitling such person to membership in the law enforcement officers' and fire fighters' retirement system; and

(b) The person makes a lump sum payment to the system, within one year of obtaining such membership, of the employee's contributions which would have been required during the period of participation.

(2) If the person meets the conditions specified in this section, the CETA employer shall, within thirty days from the date of completion of the employee's payment, make the employer and state contribution which would have been required during the period of the CETA participation, plus interest on the employee's, employer's, and the state contribution from the date such service began, at a rate determined by the director. No part of the interest shall be credited to the member's account.

Sec. 3. Section 24, chapter 80, Laws of 1947 as last amended by section 3, chapter 81, Laws of 1965 ex. sess. and RCW 41.32.240 are each amended to read as follows:

All teachers employed full time in the public schools shall be members of the system except those who have previously exempted themselves from membership and alien teachers who have been granted a temporary permit to teach as exchange teachers.

No teacher who commences a period of employment on or after July 1, 1979, as a participant under the federal comprehensive employment and training act of 1973 (CETA) (29 U.S.C. Sec. 801 et seq.), as amended, shall be a member of this system during the period of such participation unless, at the commencement of the participation under CETA, the teacher either:

(1) Has at least five years of service and the full amount of the employee's contributions for such service remains on deposit in the system; or

(2) Has previously been retired from this system.

A minimum of ninety days or the equivalent of ninety days of employment during a fiscal year shall be required to establish membership. A teacher shall be considered as employed full time if serving regularly for four-fifths or more of a school day or if assigned to duties which are the

equivalent of four-fifths or more of a full time assignment. A teacher who is employed for less than full time service may become a member by filing an application with the retirement system, submitting satisfactory proof of teaching service and making the necessary payment before June 30 of the school year immediately following the one during which the service was rendered. If an exempted teacher desires membership he must file with the ~~((board of trustees))~~ department a written request, duly executed, that his exemption certificate be canceled, present proof of service, and make the necessary payment before June 30 of the school year immediately following the one in which his request for cancellation of the exemption was filed. Any teacher who is still exempt from membership in the teachers' retirement system after July 1, 1965 and chooses not to become a member of the teachers' retirement system may continue his exemption and shall not become a member of the state employees' retirement system while employed as a teacher. All service rendered in this state subsequent to his exemption from membership must be established by proper proof and paid for, with interest at three percent, upon the same basis as he would have paid had he been a member during the period covered by his exemption. Twenty percent of the total amount due must be paid before membership can be established. Payment of the remainder, including interest, must be completed before June 30th of the fourth school year following that in which membership was established. A minimum of five years of membership in the present system and/or the former state fund or a local fund shall be required of a member who was formerly exempt from membership before such member may qualify for a retirement allowance.

NEW SECTION. Sec. 4. There is added to chapter 41.32 RCW a new section to read as follows:

(1) Teachers excluded under RCW 41.32.240 and 41.32.780, as now or hereafter amended, during periods of participation under the federal comprehensive employment and training act of 1973 (CETA), as amended, shall receive service credit in the teachers' retirement system for all service as such during the period of participation under CETA which would have been credited except for the exclusion contained in RCW 41.32.240 and 41.32.780, as now or hereafter amended, provided the following conditions are met:

(a) The person is employed within ninety days of ceasing to be a participant under CETA in a position entitling such person to membership in the teachers' retirement system; and

(b) The person makes a lump sum payment to the system within one year of obtaining such membership of the employee's contribution which would have been required during the period of participation.

(2) If the person meets the conditions specified in this section, the CETA employer shall, within thirty days from the date of completion of the employee's payment, make the employer contributions which would have

been required during the period of the CETA participation, plus interest on the employee's and employer's contribution from the date such service began, at a rate determined by the director. No part of this interest payment shall be credited to the member's account.

Sec. 5. Section 7, chapter 293, Laws of 1977 ex. sess. and RCW 41.32-.780 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, all teachers who become employed by an employer on or after October 1, 1977, shall be members of the retirement system and shall be governed by the provisions of RCW 41.32.755 through 41.32.825.

(2) No teacher who commences a period of employment on or after July 1, 1979, as a participant under the federal comprehensive employment and training act of 1973 (CETA) (29 U.S.C. Sec. 801 et seq.), as amended, shall be a member of this system during the period of such participation unless, at the commencement of the participation under CETA, the teacher either:

(a) Has at least five years of service and the full amount of the employee's contributions for such service remains on deposit in the system; or

(b) Has previously been retired from this system.

NEW SECTION. Sec. 6. There is added to chapter 41.40 RCW a new section to read as follows:

Notwithstanding RCW 41.40.120, no person who commences a period of employment on or after July 1, 1979, as a participant under the federal comprehensive employment and training act of 1973 (CETA) (29 U.S.C. Sec. 801 et seq.), as amended, shall be a member of this system during the period of such participation unless, at the commencement of the participation under CETA, the person either:

(1) Has at least five years of service and the full amount of the employee's contributions for such service remains on deposit in the system; or

(2) Has previously been retired from this system.

NEW SECTION. Sec. 7. There is added to chapter 41.40 RCW a new section to read as follows:

(1) Persons excluded under section 6 of this amendatory act during periods of participation under the federal comprehensive employment and training act of 1973 (CETA), as amended, shall receive service credit in the public employees' retirement system for all service as such during the period of participation under CETA which would have been credited except for section 6 of this amendatory act, provided the following conditions are met:

(a) The person is employed within ninety days of ceasing to be a participant under CETA in a position entitling such person to membership in the public employees' retirement system; and

(b) The person makes a lump sum payment to the system within one year of obtaining such membership of the employee's contributions which would have been required during the period of participation.

(2) If the person meets the conditions specified in this section, the CETA employer shall, within thirty days from the date of completion of the employee's payment, make the employer contribution which would have been required during the period of the CETA participation, plus interest on the employee's and employer's contribution from the date such service began at a rate determined by the director. No part of this interest payment shall be credited to the member's account.

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 on July 1, 1979.

Passed the House March 28, 1979.

Passed the Senate April 11, 1979.

Approved by the Governor April 23, 1979.

Filed in Office of Secretary of State April 23, 1979.

CHAPTER 46

[Substitute House Bill No. 1057]

SERVICE PURCHASE CONTRACTS

AN ACT Relating to state government; adding a new section to chapter 36, Laws of 1969 ex. sess. and to chapter 28B.16 RCW; adding a new section to chapter 1, Laws of 1961 and to chapter 41.06 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, Laws of 1969 ex. sess. and to chapter 28B.16 RCW a new section to read as follows:

Nothing contained in this chapter shall prohibit any institution of higher education, as defined in RCW 28B.10.016, or related board from purchasing services by contract with individuals or business entities if such services were regularly purchased by valid contract at such institution prior to the effective date of this act: PROVIDED, That no such contract may be executed or renewed if it would have the effect of terminating classified employees or classified employee positions existing at the time of the execution or renewal of the contract.

NEW SECTION. Sec. 2. There is added to chapter 1, Laws of 1961 and to chapter 41.06 RCW a new section to read as follows:

Nothing contained in this chapter shall prohibit any department, as defined in RCW 41.06.020, from purchasing services by contract with individuals or business entities if such services were regularly purchased by valid contract by such department prior to the effective date of this act:

PROVIDED, That no such contract may be executed or renewed if it would have the effect of terminating classified employees or classified employee positions existing at the time of the execution or renewal of the contract.

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

Passed the House March 28, 1979.

Passed the Senate April 11, 1979.

Approved by the Governor April 23, 1979.

Filed in Office of Secretary of State April 23, 1979.

CHAPTER 47

[House Bill No. 1115]

ENVIRONMENTAL HEARINGS OFFICE

AN ACT Relating to the environmental hearings office; amending section 31, chapter 62, Laws of 1970 ex. sess. and RCW 43.21B.010; amending section 21, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.210; amending section 22, chapter 137, Laws of 1974 ex. sess. as last amended by section 174, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 76.09.220; amending section 17, chapter 286, Laws of 1971 ex. sess. and RCW 90.58.170; adding a new section to chapter 43.21B RCW; creating a new section; and repealing section 37, chapter 62, Laws of 1970 ex. sess. and RCW 43.21B.070.

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

NEW SECTION. Section 1. It is the intent of the legislature to consolidate administratively the pollution control hearings board, the forest practices appeals board, and the shorelines hearings board into one agency of state government with minimum disturbance to these boards. It is not the intent of the legislature in consolidating these boards to change the existing membership of these boards.

All full-time employees of the pollution control hearings board and the full-time employee of the forest practices appeals board shall be full-time employees of the environmental hearings office without loss of rights. Property and obligations of these boards and the shorelines hearings board shall be property and obligations of the environmental hearings office.

NEW SECTION. Sec. 2. There is added to chapter 43.21B RCW a new section to read as follows:

There is created an environmental hearings office of the state of Washington. The environmental hearings office shall consist of the pollution control hearings board created in RCW 43.21B.010, the forest practices appeals board created in RCW 76.09.210, and the shorelines hearings board created in RCW 90.58.170. The chairman of the pollution control hearings board shall be the chief executive officer of the environmental hearings office. Membership, powers, functions, and duties of the pollution control

hearings board, the forest practices appeals board, and the shorelines hearings board shall be as provided by law.

The chief executive officer of the environmental hearings office may appoint, discharge, and fix the compensation of such staff as may be necessary or may contract for required services. Employees of the environmental hearings office shall serve each board at the direction of the chief executive officer of the environmental hearings office.

Sec. 3. Section 31, chapter 62, Laws of 1970 ex. sess. and RCW 43-.21B.010 are each amended to read as follows:

There is hereby created within the environmental hearings office a pollution control hearings board of the state of Washington (~~as an agency of state government~~).

The purpose of the pollution control hearings board is to provide for a more expeditious and efficient disposition of appeals with respect to the decisions and orders of the department and director and with respect to all decisions of air pollution control boards or authorities established pursuant to chapter 70.94 RCW.

Sec. 4. Section 21, chapter 137, Laws of 1974 ex. sess. and RCW 76-.09.210 are each amended to read as follows:

(1) There is hereby created within the environmental hearings office under section 2 of this act the forest practices appeals board of the state of Washington (~~as an agency of state government~~).

(2) The forest practices 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.

Sec. 5. Section 22, chapter 137, Laws of 1974 ex. sess. as last amended by section 174, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 76.09.220 are each amended to read as follows:

(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 expenses incurred in the discharge of his duties in accordance with the provisions of RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

~~(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))~~ (3) 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))~~ (4) 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))~~ (5) 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))~~ (6) 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))~~ (7) The forest practices appeals board shall have exclusive jurisdiction to hear appeals arising from an action or determination by the department.

~~((9))~~ (8) (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.

Sec. 6. Section 17, chapter 286, Laws of 1971 ex. sess. and RCW 90.58.170 are each amended to read as follows:

A shorelines hearings board sitting as a quasi judicial body is hereby established ~~((which))~~ within the environmental hearings office under section 2 of this act. The shorelines hearings board shall be made up of six members: Three members shall be members of the pollution control hearings board; two members, one appointed by the association of Washington cities and one appointed by the association of county commissioners, both to serve at the pleasure of the associations; and the state land commissioner or his designee. The chairman of the pollution control hearings board shall be the chairman of the shorelines hearings board. A decision must be agreed to by at least four members of the board to be final. ~~((The pollution control hearings board shall provide the shorelines appeals board such administrative and clerical assistance as the latter may require.))~~ The members of the

shorelines appeals board shall receive the compensation, travel, and subsistence expenses as provided in RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 7. Section 37, chapter 62, Laws of 1970 ex. sess. and RCW 43.21B.070 are each repealed.

Passed the House March 28, 1979.
Passed the Senate April 11, 1979.
Approved by the Governor April 23, 1979.
Filed in Office of Secretary of State April 23, 1979.

CHAPTER 48

[Substitute House Bill No. 1126]

ANNUAL LEGISLATIVE SESSIONS—APPROVAL CONTINGENCY

AN ACT Relating to the legislature; amending section 1, chapter 20, Laws of 1891 and RCW 44.04.010; and providing a contingent effective date.

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

Section 1. Section 1, chapter 20, Laws of 1891 and RCW 44.04.010 are each amended to read as follows:

~~((The third legislature of the state of Washington shall meet on the second Monday of January, A.D. 1893, and))~~ Sessions of the legislature shall be held ~~((biennially thereafter))~~ annually, commencing on the second Monday of January.

NEW SECTION. Sec. 2. This 1979 act shall take effect on January 1, 1980, if the proposed amendment to Article II, section 12 of the state Constitution by Substitute Senate Joint Resolution No. 110, providing for annual sessions of the legislature, is validly submitted and is approved and ratified by the voters at a general election held in November, 1979. If the proposed amendment is not so approved and ratified, this 1979 act shall be null and void in its entirety.

Passed the House March 28, 1979.
Passed the Senate April 11, 1979.
Approved by the Governor April 23, 1979.
Filed in Office of Secretary of State April 23, 1979.

CHAPTER 49

[Substitute House Bill No. 1176]

FEDERAL AREAS—CONCURRENT JURISDICTION

AN ACT Relating to federal areas and jurisdictions; and adding a new section to chapter 37-.04 RCW.

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

NEW SECTION. Section 1. There is added to chapter 37.04 RCW a new section to read as follows:

(1) Upon the filing of a legally adequate notice with the governor by the secretary or administrator of any agency of the United States of America owning or having exclusive jurisdiction over certain property, the governor is authorized and directed to accept such jurisdiction as is necessary to establish concurrent jurisdiction between the United States and the state of Washington over the property as described in such notice and to the extent and periods of time authorized in such notice. The acquisition of such concurrent jurisdiction shall become effective upon filing the documents signifying such acceptance in the office of the secretary of state of the state of Washington.

(2) The authorization contained in subsection (1) of this section shall not be exclusive, shall not affect any existing jurisdiction or concurrent jurisdiction by the state over federal property, and shall be in addition to any other method or methods of assuming jurisdiction or concurrent jurisdiction over federal property.

Passed the House March 21, 1979.

Passed the Senate April 11, 1979.

Approved by the Governor April 23, 1979.

Filed in Office of Secretary of State April 23, 1979.

CHAPTER 50

[House Bill No. 1133]

POLITICAL COMMITTEES AND CANDIDATES—SURPLUS FUNDS

AN ACT Relating to public disclosure; and amending section 2, chapter 1, Laws of 1973 as last amended by section 1, chapter 313, Laws of 1977 ex. sess. and RCW 42.17.020.

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

Section 1. Section 2, chapter 1, Laws of 1973 as last amended by section 1, chapter 313, Laws of 1977 ex. sess. and RCW 42.17.020 are each amended to read as follows:

(1) "Agency" includes all state agencies and all local agencies. "State agency" includes every state office, department, division, bureau, board, commission, or other state agency. "Local agency" includes every county, city, town, municipal corporation, quasi-municipal corporation, or special purpose district, or any office, department, division, bureau, board, commission, or agency thereof, or other local public agency.

(2) "Ballot proposition" means any "measure" as defined by RCW 29.01.110, or any initiative, recall, or referendum proposition proposed to be submitted to the voters of the state or any municipal corporation, political subdivision or other voting constituency from and after the time when such

proposition has been initially filed with the appropriate election officer of that constituency prior to its circulation for signatures.

(3) "Campaign depository" means a bank designated by a candidate or political committee pursuant to RCW 42.17.050.

(4) "Campaign treasurer" and "deputy campaign treasurer" mean the individuals appointed by a candidate or political committee, pursuant to RCW 42.17.050, to perform the duties specified in that section.

(5) "Candidate" means any individual who seeks election to public office. An individual shall be deemed to seek election when he first:

(a) Receives contributions or makes expenditures or reserves space or facilities with intent to promote his candidacy for office; or

(b) Announces publicly or files for office.

(6) "Commercial advertiser" means any person who sells the service of communicating messages or producing printed material for broadcast or distribution to the general public or segments of the general public whether through the use of newspapers, magazines, television and radio stations, billboard companies, direct mail advertising companies, printing companies, or otherwise.

(7) "Commission" means the agency established under RCW 42.17.350.

(8) "Compensation" unless the context requires a narrower meaning, includes payment in any form for real or personal property or services of any kind: PROVIDED, That for the purpose of compliance with RCW 42.17.240, as now or hereafter amended, the term "compensation" shall not include per diem allowances or other payments made by a governmental entity to reimburse a public official for expenses incurred while such official is engaged in the official business of such governmental entity.

(9) "Continuing political committee" means a political committee which is an organization of continuing existence not established in anticipation of any particular election.

(10) "Contribution" includes a loan, gift, deposit, subscription, forgiveness of indebtedness, donation, advance, pledge, payment, transfer of funds between political committees, or transfer of anything of value, including personal and professional services for less than full consideration, but does not include interest on moneys deposited in a political committee's account, ordinary home hospitality and the rendering of "part time" personal services of the sort commonly performed by volunteer campaign workers or incidental expenses personally incurred by volunteer campaign workers not in excess of twenty-five dollars personally paid for by such worker. "Part time" services, for the purposes of this chapter, means services in addition to regular full time employment, or, in the case of an unemployed person, services not in excess of twenty hours per week, excluding weekends. For the purposes of this chapter, contributions other than money or its equivalents shall be deemed to have a money value equivalent to the fair market value of the contribution. Sums paid for tickets to fund-raising events such as dinners

and parties are contributions; however, the amount of any such contribution may be reduced for the purpose of complying with the reporting requirements of this chapter, by the actual cost of consumables furnished in connection with the purchase of such tickets, and only the excess over actual cost of such consumables shall be deemed a contribution.

(11) "Elected official" means any person elected at a general or special election to any public office, and any person appointed to fill a vacancy in any such office.

(12) "Election" includes any primary, general, or special election for public office and any election in which a ballot proposition is submitted to the voters: PROVIDED, That an election in which the qualifications for voting include other than those requirements set forth in Article VI, section 1 (Amendment 63) of the Constitution of the state of Washington shall not be considered an election for purposes of this chapter.

(13) "Election campaign" means any campaign in support of or in opposition to a candidate for election to public office and any campaign in support of, or in opposition to, a ballot proposition.

(14) "Expenditure" includes a payment, contribution, subscription, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure. The term "expenditure" also includes a promise to pay, a payment or a transfer of anything of value in exchange for goods, services, property, facilities, or anything of value for the purpose of assisting, benefiting, or honoring any public official or candidate, or assisting in furthering or opposing any election campaign. For the purposes of this chapter, agreements to make expenditures, contracts, and promises to pay may be reported as estimated obligations until actual payment is made. The term "expenditure" shall not include the partial or complete repayment by a candidate or political committee of the principal of a loan, the receipt of which loan has been properly reported, or payment of service charges against a political committee's campaign account.

(15) "Final report" means the report described as a final report in RCW 42.17.080(2).

(16) "Immediate family" includes the spouse, dependent children, and other dependent relatives, if living in the household.

(17) "Legislation" means bills, resolutions, motions, amendments, nominations, and other matters pending or proposed in either house of the state legislature, and includes any other matter which may be the subject of action by either house, or any committee of the legislature and all bills and resolutions which having passed both houses, are pending approval by the governor.

(18) "Lobby" and "lobbying" each mean attempting to influence the passage or defeat of any legislation by the legislature of the state of

Washington, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency under the state administrative procedure acts, chapter 34.04 RCW and chapter 28B.19 RCW.

(19) "Lobbyist" includes any person who shall lobby either in his own or another's behalf.

(20) "Lobbyist's employer" means the person or persons by whom a lobbyist is employed and all persons by whom he is compensated for acting as a lobbyist.

(21) "Person" includes an individual, partnership, joint venture, public or private corporation, association, federal, state, or local governmental entity or agency however constituted, candidate, committee, political committee, political party, executive committee thereof, or any other organization or group of persons, however organized.

(22) "Person in interest" means the person who is the subject of a record or any representative designated by said person, except that if such person be under a legal disability, the term "person in interest" shall mean and include the parent or duly appointed legal representative.

(23) "Political advertising" includes any advertising displays, newspaper ads, billboards, signs, brochures, articles, tabloids, flyers, letters, radio or television presentations, or other means of mass communication, used for the purpose of appealing, directly or indirectly, for votes or for financial or other support in any election campaign.

(24) "Political committee" means any person (except a candidate or an individual dealing with his own funds or property) having the expectation of receiving contributions or making expenditures in support of, or opposition to, any candidate or any ballot proposition.

(25) "Public office" means any federal, state, county, city, town, school district, port district, special district, or other state political subdivision elective office.

(26) "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.

(27) "Surplus funds" mean, in the case of a political committee or candidate, the balance of contributions which remain in the possession or control of that committee or candidate subsequent to the election for which the contributions were received, and which are in excess of the amount necessary to pay remaining debts incurred by the committee or candidate prior to that election. In the case of a continuing political committee, "surplus funds" mean those contributions remaining in the possession or control of the committee which are in excess of the amount necessary to pay all remaining debts when it makes its final report under RCW 42.17.065.

(28) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums, and other documents.

As used in this chapter, the singular shall take the plural and any gender, the other, as the context requires.

Passed the House March 29, 1979.

Passed the Senate April 11, 1979.

Approved by the Governor April 23, 1979.

Filed in Office of Secretary of State April 23, 1979.

CHAPTER 51

[Substitute Senate Bill No. 2032]

DRIVER TRAINING SCHOOLS

AN ACT Relating to motor vehicles; adding new sections to chapter 46.82 RCW; repealing section 46.82.010, chapter 12, Laws of 1961, section 106, chapter 32, Laws of 1967 and RCW 46.82.010; repealing section 46.82.020, chapter 12, Laws of 1961 and RCW 46.82.020; repealing section 46.82.030, chapter 12, Laws of 1961 and RCW 46.82.030; repealing section 46.82.040, chapter 12, Laws of 1961 and RCW 46.82.040; repealing section 46.82.050, chapter 12, Laws of 1961 and RCW 46.82.050; repealing section 46.82.060, chapter 12, Laws of 1961, section 4, chapter 214, Laws of 1961, section 107, chapter 32, Laws of 1967 and RCW 46.82.060; repealing section 46.82.070, chapter 12, Laws of 1961, section 2, chapter 214, Laws of 1961, section 108, chapter 32, Laws of 1967 and RCW 46.82.070; repealing section 46.82.080, chapter 12, Laws of 1961 and RCW 46.82.080; repealing section 46.82.090, chapter 12, Laws of 1961, section 109, chapter 32, Laws of 1967 and RCW 46.82.090; repealing section 46.82.100, chapter 12, Laws of 1961 and RCW 46.82.100; repealing section 46.82.110, chapter 12, Laws of 1961 and RCW 46.82.110; repealing section 46.82.120, chapter 12, Laws of 1961, section 110, chapter 32, Laws of 1967 and RCW 46.82.120; repealing section 46.82.130, chapter 12, Laws of 1961 and RCW 46.82.130; repealing section 46.82.140, chapter 12, Laws of 1961, section 48, chapter 170, Laws of 1965 ex. sess., section 136, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 46.82.140; repealing section 46.82.150, chapter 12, Laws of 1961 and RCW 46.82.150; repealing section 46.82.160, chapter 12, Laws of 1961 and RCW 46.82.160; repealing section 46.82.170, chapter 12, Laws of 1961 and RCW 46.82.170; repealing section 46.82.180, chapter 12, Laws of 1961, section 3, chapter 214, Laws of 1961 and RCW 46.82.180; repealing section 46.82.190, chapter 12, Laws of 1961, section 111, chapter 32, Laws of 1967 and RCW 46.82.190; repealing section 46.82.200, chapter 12, Laws of 1961 and RCW 46.82.200; repealing section 46.82.210, chapter 12, Laws of 1961, section 112, chapter 32, Laws of 1967 and RCW 46.82.210; repealing section 46.82.220, chapter 12, Laws of 1961 and RCW 46.82.220; repealing section 46.82.230, chapter 12, Laws of 1961 and RCW 46.82.230; repealing section 46.82.240, chapter 12, Laws of 1961 and RCW 46.82.240; repealing section 46.82.250, chapter 12, Laws of 1961 and RCW 46.82.250; repealing section 46.82.260, chapter 12, Laws of 1961 and RCW 46.82.260; repealing section 46.82.270, chapter 12, Laws of 1961 and RCW 46.82.270; and prescribing penalties.

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

NEW SECTION. Section 1. Unless the context clearly requires otherwise, the definitions in this section shall apply throughout this chapter.

(1) "Driver training school" means a commercial driver training school engaged in the business of giving instruction, for a fee, in the operation of automobiles or motorcycles.

(2) "Director" means the director of the department of licensing of the state of Washington.

(3) "Advisory committee" means the driving instructors' advisory committee as created in this chapter.

(4) "Fraudulent practices" means any conduct or representation on the part of a licensee under this chapter tending to induce anyone to believe, or to give the impression, that a license to operate a motor vehicle or any other license granted by the director may be obtained by any means other than those prescribed by law, or furnishing or obtaining the same by illegal or improper means, or requesting, accepting, or collecting money for such purposes.

(5) "Instructor" means any person employed by a driver training school to instruct persons in the operation of automobiles or motorcycles.

(6) "Place of business" means a designated location at which the business of a driver training school is transacted and its records are kept.

(7) "Person" means any individual, firm, corporation, partnership, or association.

NEW SECTION. Sec. 2. (1) The director shall be responsible for the administration and enforcement of the law pertaining to driver training schools as set forth in this chapter.

(2) The director is authorized to adopt and enforce such reasonable rules as may be consistent with and necessary to carry out this chapter.

NEW SECTION. Sec. 3. (1) The director shall be assisted in the duties and responsibilities of this chapter by the driver instructors' advisory committee, consisting of five members. Members of the advisory committee shall be appointed by the director for two-year terms and shall consist of a representative of the driver training schools, a representative of the driving instructors (who shall not be from the same school as the school member), a representative of the superintendent of public instruction, a representative of the department of licensing, and a representative from the Washington state traffic safety commission. Members shall receive compensation not to exceed twenty-five dollars for each day spent on official business and shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. A member who is receiving a salary from the state shall not receive compensation other than travel expenses incurred in such service.

(2) The advisory committee shall meet at least semiannually and shall have additional meetings as may be called by the director. The director or the director's representative shall attend all meetings of the advisory committee and shall serve as chairman.

(3) Duties of the advisory committee shall be to:

(a) Advise and confer with the director or the director's representative on matters pertaining to the establishment of rules necessary to carry out this chapter;

(b) Review violations of this chapter and to recommend to the director appropriate enforcement or disciplinary action as provided in this chapter;

(c) Review and update when necessary a curriculum consisting of a list of items of knowledge and the processes of driving a motor vehicle specifying the minimum requirements adjudged necessary in teaching a proper and adequate course of driver education; and

(d) Prepare the examination for a driver instructor's certificate and review examination results at least once each calendar year for the purpose of updating and revising examination standards.

NEW SECTION. Sec. 4. (1) No person shall engage in the business of conducting a driver training school without a license issued by the director for that purpose. An application for a driver training school license shall be filed with the director, containing such information as prescribed by the director, accompanied by an application fee of one hundred dollars, which shall in no event be refunded. If an application is approved by the director, the applicant upon payment of an additional fee of twenty-five dollars shall be granted a license valid for a period of one year from the date of issuance.

(2) The annual fee for renewal of a school license shall be twenty-five dollars. The director shall issue a license certificate to each licensee which shall be conspicuously displayed in the place of business of the licensee. If a renewal application has not been received by the director within sixty days from the date a notice of license expiration was mailed to the licensee, the license will be void requiring a new application as provided for in this chapter, including payment of all fees.

(3) The person to whom a driver training school license has been issued must notify the director in writing within thirty days after any change is made in the officers, directors, or location of the place of business of the school.

(4) Driver training school licenses shall not be transferable. In the event of any transfer of ownership in the business, an application for a new license, including payment of all fees, must be made. The director shall permit continuance of the business for a period not to exceed sixty days from date of transfer pending approval of the new application for a school license.

(5) The director shall not issue or renew a school license certificate until the licensee has filed with the director evidence of liability insurance coverage with an insurance company authorized to do business in this state in the amount of not less than three hundred thousand dollars because of bodily injury or death to two or more persons in any one accident, not less than one hundred thousand dollars because of bodily injury or death to one person in one accident, and not less than fifty thousand dollars because of property damage to others in one accident, and the coverage shall include

uninsured motorists coverage. The insurance coverage shall be maintained in full force and effect and the director shall be notified at least ten days prior to cancellation or expiration of any such policy of insurance.

(6) The increased insurance requirements of subsection (5) of this section must be in effect by no later than one year after the effective date of this act.

NEW SECTION. Sec. 5. (1) No person, including the owner, operator, partner, officer, or stockholder of a driver training school shall give instruction in the operation of an automobile or motorcycle for a fee without a license issued by the director for that purpose. An application for an instructor's license shall be filed with the director, containing such information as prescribed by the director, accompanied by an application fee of twenty-five dollars which shall in no event be refunded. If the application is approved by the director and the applicant satisfactorily meets the examination requirements as prescribed in section 6 of this act, the applicant shall be granted a license valid for a period of one year from the date of issuance.

(2) The annual fee for renewal of an instructor's license shall be five dollars. The director shall issue a license certificate to each licensee which shall be conspicuously displayed in the place of business of the employing driver training school. Unless revoked, canceled, or denied by the director, the license shall remain the property of the licensee in the event of termination of employment or employment by another driver training school. If a renewal application has not been received by the director within sixty days from the date a notice of license expiration was mailed to the licensee, the license will be voided requiring a new application as provided for in this chapter, including examination and payment of all fees.

(3) Persons who qualify under the rules jointly adopted by the superintendent of public instruction and the director of licensing to teach only the laboratory phase, shall be subject to a ten dollar examination fee.

(4) Each licensee shall be provided with a wallet-size identification card by the director at the time the license is issued which shall be carried on the instructor's person at all times while engaged in instructing.

(5) The person to whom an instructor's license has been issued shall notify the director in writing within thirty days of any change of employment or termination of employment, providing the name and address of the new driver training school by whom the instructor will be employed.

NEW SECTION. Sec. 6. (1) Upon receipt and approval of an application accompanied by the proper fees, the director shall arrange for the examination of each applicant for an instructor's license and shall notify each applicant of the time and place to appear for examination.

(2) The examination prepared by the advisory committee shall consist of a knowledge test and an actual driving test conducted in a vehicle provided by the applicant. The examination shall determine: The applicant's knowledge of driving laws, rules, and regulations; the applicant's ability to safely

operate a motor vehicle; and the applicant's ability to impart this knowledge to others.

(3) No applicant shall be permitted by the director to take the examination for an instructor's license until it is determined that the applicant meets the following requirements:

(a) Possesses a current and valid Washington driver's license and does not have on his driving record any of the violations or penalties set forth in (3)(a) (i), (ii), or (iii) of this section. The director shall have the right to examine the driving record of the applicant from the department of licensing and from other jurisdictions and from these records determine if the applicant has had:

(i) Not more than three moving traffic violations within the preceding twelve months or more than four moving traffic violations in the preceding twenty-four months;

(ii) No alcohol-related traffic violation within the preceding three years; and

(iii) No driver's license suspension, cancellation, revocation, or denial within the preceding three years;

(b) Is a high school graduate or the equivalent and at least twenty-one years of age;

(c) Has completed an acceptable application on a form prescribed by the director; and

(d) Has satisfactorily completed a sixty-hour course of instruction in the training of drivers acceptable to the director. The course shall include at least twelve hours of instruction in behind-the-wheel teaching methods and at least six hours supervised practice behind-the-wheel teaching of driving techniques.

(4) Any person with a valid instructor's license in effect as of the effective date of this 1979 act, shall not be required to take the examination, or complete the revised course of instruction, otherwise required under this section.

NEW SECTION. Sec. 7. In case of the loss, mutilation, or destruction of a driver training school license certificate or an instructor's license certificate, the director shall issue a duplicate thereof upon proof of the facts and payment of a fee of two dollars.

NEW SECTION. Sec. 8. (1) The director may suspend, revoke, deny, or refuse to renew an instructor's license or a driver training school license for any of the following causes:

(a) Upon determination that the licensee has made a false statement or concealed any material fact in connection with the application or license renewal;

(b) Upon conviction of the applicant, licensee, or any person directly or indirectly interested in the driver training school's business of a felony, or

any crime involving violence, dishonesty, deceit, indecency, degeneracy, or moral turpitude;

(c) Upon determination that the applicant, licensee, or any person directly or indirectly interested in the driver training school's business previously held a driver training school license which was revoked, suspended, or refused renewal by the director;

(d) Upon determination that the applicant or licensee does not have a place of business as required by this chapter;

(e) Upon determination that the applicant or licensee has failed to require all persons with financial interest in the driver training school to be signatories to the application;

(f) Upon determination that the applicant or licensee has been found guilty of fraud or fraudulent practices in relation to the business conducted under the license, or guilty of inducing another to resort to fraud in relation to securing for himself, herself, or another a license to drive a motor vehicle; or

(g) Upon determination that the applicant or licensee fails to satisfy the other conditions stated in this chapter.

NEW SECTION. Sec. 9. The license of any driver training school or instructor may be suspended, revoked, denied, or refused renewal for failure to comply with the business practices specified in this section.

(1) No place of business shall be established nor any business of a driver training school conducted or solicited within one thousand feet of an office or building owned or leased by the department of licensing in which examinations for drivers' licenses are conducted. The distance of one thousand feet shall be measured along the public streets by the nearest route from the place of business to such building.

(2) Any motor vehicle used by a driver training school or an instructor for instruction purposes must be equipped with:

(a) Dual controls for foot brake and clutch, or foot brake only in a vehicle equipped with an automatic transmission;

(b) An instructor's rear view mirror; and

(c) A sign displayed on the back and/or top of the vehicle not less than twenty inches in horizontal width or less than ten inches in vertical height and having the words "student driver" or "instruction car", or both, in legible, printed, English letters at least two and one-half inches in height near the top and the name of the school in similarly legible letters not less than one inch in height placed somewhere below the aforementioned words, and the street number and name and the telephone number in similarly legible letters at least one inch in height placed next below the name of the school. The lettering and background colors shall be of contrasting shades so as to be clearly readable at one hundred feet in clear daylight. The sign shall be displayed at all times when instruction is being given.

(3) Instruction may not be given by an instructor to a student in an automobile unless the student possesses a current and valid instruction permit issued pursuant to RCW 46.20.055 or a current and valid driver's license.

(4) No driver training school or instructor shall advertise or otherwise indicate that the issuance of a driver's license is guaranteed or assured as a result of the course of instruction offered.

(5) No driver training school or instructor shall utilize any types of advertising without using the full, legal name of the school and identifying itself as a driver training school. Items and services advertised must be available in a manner as might be expected by the average person reading the advertisement.

(6) A driver training school shall have an established place of business owned, rented, or leased by the school and regularly occupied and used exclusively for the business of giving driver instruction.

(7) No driver training school or instructor shall conduct any type of instruction or training on a course used by the department of licensing for testing applicants for a Washington driver's license.

(8) Each driver training school shall maintain records on all of its students, including the student's name and address, the starting and ending dates of instruction, the student's instruction permit or driver's license number, the type of training given, and the total number of hours of instruction. Records of past students shall be maintained for five years following the completion of the instruction.

(9) Each driver training school shall, at its established place of business, display, in a place where it can be seen by all clients, a copy of the required minimum curriculum compiled by the driver advisory committee. Copies of the required minimum curriculum are to be provided to driver training schools and instructors by the director.

(10) Driver training schools and instructors shall submit to periodic inspections of their business practices, facilities, records, and insurance by authorized representatives of the director of the department of licensing.

NEW SECTION. Sec. 10. Upon notification of suspension, revocation, denial, or refusal to renew a license under this chapter, a driver training school or instructor shall have the right to appeal the action being taken. An appeal may be made to the director, who shall cause a hearing to be held by the advisory committee in accordance with chapter 34.04 RCW. Filing an appeal shall stay the action pending the hearing and the director's decision. Upon conclusion of the hearing, the advisory committee shall notify the director of its findings of fact and recommended action. Within ten days of receipt of the advisory committee's findings and recommendation, the director shall issue a decision on the appeal.

(1) A license may, however, be temporarily suspended by the director without notice pending any prosecution, investigation, or hearing where

such emergency action is warranted. A licensee or applicant entitled to a hearing shall be given due notice thereof.

(2) The sending of a notice of a hearing by registered mail to the last known address of a licensee or applicant in accordance with chapter 34.04 RCW shall be deemed due notice.

(3) The director or the director's authorized representative shall preside over the advisory committee during the hearing and shall have the power to subpoena witnesses, administer oaths to witnesses, take testimony of any person, and cause depositions to be taken. A subpoena issued under the authority of this section shall be served in the same manner as a subpoena issued by a court of record. Witnesses subpoenaed under this section and persons other than officers or employees of the department of licensing shall be entitled to the same fees and mileage as are allowed in civil actions in courts of law.

NEW SECTION. Sec. 11. Any action or decision of the director may, after a hearing is held as provided in this chapter, be appealed by the party aggrieved to the superior court of the county in which the place of business is located or where the aggrieved person resides.

NEW SECTION. Sec. 12. A violation of any provision of this chapter shall be a misdemeanor.

NEW SECTION. Sec. 13. This chapter shall not apply to or affect in any manner courses of instruction offered in high schools, vocational-technical schools, colleges, or universities which are now or hereafter established, nor shall it be applicable to instructors in any such high schools, vocational-technical schools, colleges, or universities: **PROVIDED**, That such course or courses are conducted by such schools in a like manner to their other regular courses. If such course is conducted by any commercial school as herein identified on a contractual basis, such school and instructors must qualify under this chapter.

NEW SECTION. Sec. 14. All moneys collected from driver training school licenses and instructor licenses shall be deposited in the general fund.

NEW SECTION. Sec. 15. The advisory committee shall compile and furnish to each qualifying applicant for an instructor's license or a driver training school license a basic minimum required curriculum. Should the director be presented with acceptable proof that any licensed instructor or driver training school is not showing proper diligence in teaching such basic minimum curriculum as required, the instructor or school shall be required to appear before the advisory committee and show cause why the license of the instructor or school should not be revoked for such negligence. If the committee does not accept such reasons as may be offered, the director may revoke the license of the instructor or school, or both.

NEW SECTION. Sec. 16. The following acts or parts of acts are each repealed:

- (1) Section 46.82.010, chapter 12, Laws of 1961, section 106, chapter 32, Laws of 1967 and RCW 46.82.010;
 - (2) Section 46.82.020, chapter 12, Laws of 1961 and RCW 46.82.020;
 - (3) Section 46.82.030, chapter 12, Laws of 1961 and RCW 46.82.030;
 - (4) Section 46.82.040, chapter 12, Laws of 1961 and RCW 46.82.040;
 - (5) Section 46.82.050, chapter 12, Laws of 1961 and RCW 46.82.050;
 - (6) Section 46.82.060, chapter 12, Laws of 1961, section 4, chapter 214, Laws of 1961, section 107, chapter 32, Laws of 1967 and RCW 46.82.060;
 - (7) Section 46.82.070, chapter 12, Laws of 1961, section 2, chapter 214, Laws of 1961, section 108, chapter 32, Laws of 1967 and RCW 46.82.070;
 - (8) Section 46.82.080, chapter 12, Laws of 1961 and RCW 46.82.080;
 - (9) Section 46.82.090, chapter 12, Laws of 1961, section 109, chapter 32, Laws of 1967 and RCW 46.82.090;
 - (10) Section 46.82.100, chapter 12, Laws of 1961 and RCW 46.82.100;
 - (11) Section 46.82.110, chapter 12, Laws of 1961 and RCW 46.82.110;
 - (12) Section 46.82.120, chapter 12, Laws of 1961, section 110, chapter 32, Laws of 1967 and RCW 46.82.120;
 - (13) Section 46.82.130, chapter 12, Laws of 1961 and RCW 46.82.130;
 - (14) Section 46.82.140, chapter 12, Laws of 1961, section 48, chapter 170, Laws of 1965 ex. sess., section 136, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 46.82.140;
 - (15) Section 46.82.150, chapter 12, Laws of 1961 and RCW 46.82.150;
 - (16) Section 46.82.160, chapter 12, Laws of 1961 and RCW 46.82.160;
 - (17) Section 46.82.170, chapter 12, Laws of 1961 and RCW 46.82.170;
 - (18) Section 46.82.180, chapter 12, Laws of 1961, section 3, chapter 214, Laws of 1961 and RCW 46.82.180;
 - (19) Section 46.82.190, chapter 12, Laws of 1961, section 111, chapter 32, Laws of 1967 and RCW 46.82.190;
 - (20) Section 46.82.200, chapter 12, Laws of 1961 and RCW 46.82.200;
 - (21) Section 46.82.210, chapter 12, Laws of 1961, section 112, chapter 32, Laws of 1967 and RCW 46.82.210;
 - (22) Section 46.82.220, chapter 12, Laws of 1961 and RCW 46.82.220;
 - (23) Section 46.82.230, chapter 12, Laws of 1961 and RCW 46.82.230;
 - (24) Section 46.82.240, chapter 12, Laws of 1961 and RCW 46.82.240;
 - (25) Section 46.82.250, chapter 12, Laws of 1961 and RCW 46.82.250;
 - (26) Section 46.82.260, chapter 12, Laws of 1961 and RCW 46.82.260;
- and
- (27) Section 46.82.270, chapter 12, Laws of 1961 and RCW 46.82.270.

NEW SECTION. Sec. 17. Sections 1 through 15 of this act shall be added to chapter 46.82 RCW.

NEW SECTION. Sec. 18. Any funds remaining in accounts discontinued by this 1979 act shall be transferred to the general fund after obligations accrued prior to the effective date of this act have been met.

NEW SECTION. Sec. 19. If any provision of this 1979 act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the Senate March 21, 1979.

Passed the House April 11, 1979.

Approved by the Governor April 25, 1979.

Filed in Office of Secretary of State April 25, 1979.

CHAPTER 52

[Senate Bill No. 2060]

VITAL STATISTICS—LOCAL HEALTH OFFICERS

AN ACT Relating to vital statistics; amending section 43.20.090, chapter 8, Laws of 1965 as last amended by section 36, chapter 42, Laws of 1975-'76 2nd ex. sess. and RCW 43.20.090; amending section 2, chapter 83, Laws of 1907 as last amended by section 4, chapter 106, Laws of 1951 and RCW 70.58.010; and amending section 3, chapter 83, Laws of 1907 as last amended by section 5, chapter 5, Laws of 1961 ex. sess. and RCW 70.58.020.

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

Section 1. Section 43.20.090, chapter 8, Laws of 1965 as last amended by section 36, chapter 42, Laws of 1975-'76 2nd ex. sess. and RCW 43.20.090 are each amended to read as follows:

The state registrar shall, upon request, furnish an applicant with a certified copy of the record of any birth, death, fetal death, marriage or decree of divorce, annulment or separate maintenance, registered under the provision of law, or that portion of the record of any birth which shows the child's full name, sex, date of birth, and date of filing of the certificate, for the making and certification of which he shall charge a fee of three dollars to be paid by the applicant: PROVIDED, That no fee shall be demanded or required for furnishing a certified copy of a birth, death, fetal death, marriage, divorce, annulment, or separate maintenance record for use in connection with a claim for compensation or pension pending before the veterans administration.

For any search of the files and the records when no certified copy is made, the state registrar shall be entitled to a fee of three dollars for each hour or fractional part of an hour employed in such search, to be paid by the applicant.

The state department of health shall keep a true and correct account of all fees received and turn the same over to the state treasurer on or before the first day of January, April, July, and October.

Health officers in cities of the first class may, upon request, furnish certified copies of the records of birth, death, and fetal death, and shall charge the same fee as hereinabove provided, and shall be entitled to charge for

searching of records when no certified copy is made the same fee as hereinabove provided. All such fees collected shall be paid to the jurisdictional health department: PROVIDED, That health officers of cities of the first class may issue certified copies only if they have an original certificate in their possession at the time of issuance of a certified copy or a copy of the original certificate transmitted to the state registrar which was produced by a photographic or other exact reproduction method. Health officers of counties or districts (~~(normally served by full time health officers)~~) may, upon request, furnish certified copies of the records of birth, death, and fetal death, and shall charge the same fee as hereinabove provided, during the period that the original certificates are in their possession prior to transmittal of the original certificates to the state registrar. All such fees collected shall be paid to the jurisdictional health department. Certified copy forms used by health officers furnishing certified copies while the original records are temporarily in their possession shall be supplied or approved by the state registrar and no other forms shall be used.

Sec. 2. Section 2, chapter 83, Laws of 1907 as last amended by section 4, chapter 106, Laws of 1951 and RCW 70.58.010 are each amended to read as follows:

Each city of the first class shall constitute a primary registration district and each county and the territory of counties jointly comprising a health district, exclusive of the portion included within cities of the first class, (~~(served by full time health officers)~~) shall constitute a primary registration area. All other counties and municipal areas not included in the foregoing shall be divided into registration areas by the state registrar as he may deem essential to obtain the most efficient registration of vital events as provided by law.

Sec. 3. Section 3, chapter 83, Laws of 1907 as last amended by section 5, chapter 5, Laws of 1961 ex. sess. and RCW 70.58.020 are each amended to read as follows:

Under the direction and control of the state registrar, the health officer of each city of the first class shall be the local registrar in and for the primary registration district under his supervision as health officer and the health officer of each county and district health department (~~(normally served by a full-time health officer)~~) shall be the local registrar in and for the registration area which he supervises as health officer and shall serve as such as long as he performs the registration duties as prescribed by law. He may be removed as local registrar of the registration area which he serves by the state board of health upon its finding of evidence of neglect in the performance of his duties as such registrar. The state registrar shall appoint local registrars for those registration areas not included in the foregoing and also in areas where the state board of health has removed the health officer from this position as registrar.

Each local registrar, subject to the approval of the state registrar, shall appoint in writing a sufficient number of deputy registrars to administer the laws relating to vital statistics, and shall certify the appointment of such deputies to the state registrar. Deputy registrars shall act in the case of absence, death, illness or disability of the local registrar, or such other conditions as may be deemed sufficient cause to require their services.

Passed the Senate March 30, 1979.

Passed the House April 11, 1979.

Approved by the Governor April 25, 1979.

Filed in Office of Secretary of State April 25, 1979.

CHAPTER 53

[Substitute Senate Bill No. 2144]

REWARDS—COUNTIES, STATE

AN ACT Relating to rewards; amending section 1, page 124, Laws of 1886 as amended by section 1, chapter 25, Laws of 1975-'76 2nd ex. sess. and RCW 10.85.030; amending section 3, page 124, Laws of 1886 and RCW 10.85.040; amending section 2, page 124, Laws of 1886 and RCW 10.85.050; amending section 43.06.010, chapter 8, Laws of 1965 as last amended by section 15, chapter 289, Laws of 1977 ex. sess. and RCW 43.06.010; repealing section 52, page 84, Laws of 1854, section 58, page 192, Laws of 1873, section 852, Code of 1881 and RCW 10.85.010; repealing section 1, page 283, Laws of 1877, section 1290, Code of 1881 and RCW 10.85.020; repealing section 2, page 284, Laws of 1877, section 1291, Code of 1881, section 9, chapter 106, Laws of 1973 and RCW 10.85.025; and declaring an emergency.

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

Section 1. Section 1, page 124, Laws of 1886 as amended by section 1, chapter 25, Laws of 1975-'76 2nd ex. sess. and RCW 10.85.030 are each amended to read as follows:

The legislative ~~((authorities of the several counties of))~~ authority of any county in the state, when in ((their)) its opinion the public good requires it, ((are)) is hereby authorized to offer and pay a suitable reward, not to exceed five hundred dollars in any one case, to any person or persons ~~((who, in consequence of such offer apprehends, brings back, and secures any person or persons, convicted of or charged with any criminal offense, if the offense be a felony))~~ for information leading to:

(a) The arrest of a specified person or persons convicted of or charged with any criminal offense; or

(b) The arrest and conviction of a person or persons committing a specified criminal offense.

In the event of crimes against county property, including but not limited to road signs, vehicles, buildings, or any other type of county property, the legislative authority of any county may offer and pay a suitable reward, not to exceed two hundred fifty dollars in any one case, to any person or persons who shall furnish information ~~((or testimony))~~ leading to the arrest and

conviction of any person of any offense against ~~((such))~~ this county property, including but not limited to those offenses set forth in RCW 9A.48.070 through 9A.48.090, whether or not the offense ~~((be))~~ is a felony, gross misdemeanor, or misdemeanor.

Sec. 2. Section 3, page 124, Laws of 1886 and RCW 10.85.040 are each amended to read as follows:

When more than one claimant applies for the payment of any reward, offered by any ~~((board of))~~ county ~~((commissioners, such commissioners))~~ legislative authority, the county legislative authority shall determine~~((, in their respective counties,))~~ to whom the same shall be paid, and if to more than one person, in what proportion to each; and their determination shall be final and conclusive.

Sec. 3. Section 2, page 124, Laws of 1886 and RCW 10.85.050 are each amended to read as follows:

Whenever any ~~((such))~~ reward has been offered by any ~~((board of))~~ county ~~((commissioners in Washington))~~ legislative authority in the state~~(; for the apprehension of any person or persons, convicted of or charged with any criminal offense, if the offense be a felony))~~ under RCW 10.85.030, the person or persons ~~((who shall first apprehend, bring back and secure such person or persons so charged;))~~ providing the information shall be entitled to ~~((such))~~ the reward, and the ~~((board of))~~ county ~~((commissioners who have))~~ legislative authority which has offered ((such)) the reward~~((, are))~~ is authorized to draw a warrant or warrants ~~((on the county treasurer for the amount of such reward, who shall pay the amount of said warrant or warrants,))~~ out of any money in the county treasury not otherwise appropriated.

Sec. 4. Section 43.06.010, chapter 8, Laws of 1965 as last amended by section 15, chapter 289, Laws of 1977 ex. sess. and RCW 43.06.010 are each amended to read as follows:

In addition to those prescribed by the Constitution, the governor may exercise the powers and perform the duties prescribed in this and the following sections:

(1) The governor shall supervise the conduct of all executive and ministerial offices;

(2) The governor shall see that all offices are filled, and the duties thereof performed, or in default thereof, apply such remedy as the law allows; and if the remedy is imperfect, acquaint the legislature therewith at its next session;

(3) The governor shall make the appointments and supply the vacancies mentioned in this title;

(4) The governor is the sole official organ of communication between the government of this state and the government of any other state or territory, or of the United States;

(5) Whenever any suit or legal proceeding is pending against this state, or which may affect the title of this state to any property, or which may result in any claim against the state, the governor may direct the attorney general to appear on behalf of the state, and report the same to the governor, or to any grand jury designated by the governor, or to the legislature when next in session;

(6) The governor may require the attorney general or any prosecuting attorney to inquire into the affairs or management of any corporation existing under the laws of this state, or doing business in this state, and report the same to the governor, or to any grand jury designated by the governor, or to the legislature when next in session;

(7) The governor may require the attorney general to aid any prosecuting attorney in the discharge of his duties;

(8) The governor may offer rewards, not exceeding one thousand dollars in each case, payable out of the state treasury, for information leading to the apprehension of any person convicted of a felony who has escaped from ((the)) a state ((prison)) correctional institution or for information leading to the arrest of any person who has committed or is charged with the commission of a felony;

(9) The governor shall perform such duties respecting fugitives from justice as are prescribed by law;

(10) The governor shall issue and transmit election proclamations as prescribed by law;

(11) The governor may require any officer or board to make, upon demand, special reports to the governor, in writing;

(12) The governor may, after finding that a public disorder, disaster, energy emergency, or riot exists within this state or any part thereof which affects life, health, property, or the public peace, proclaim a state of emergency in the area affected, and the powers granted the governor during a state of emergency shall be effective only within the area described in the proclamation;

(13) The governor shall, when appropriate, submit to the select joint committee created by RCW 43.131.120, lists of state agencies, as defined by RCW 43.131.030, which agencies might appropriately be scheduled for termination by a bill proposed by the select joint committee.

NEW SECTION. Sec. 5. The following acts or parts of acts are each repealed:

(1) Section 52, page 84, Laws of 1854, section 58, page 192, Laws of 1873, section 852, Code of 1881 and RCW 10.85.010;

(2) Section 1, page 283, Laws of 1877, section 1290, Code of 1881 and RCW 10.85.020; and

(3) Section 2, page 284, Laws of 1877, section 1291, Code of 1881, section 9, chapter 106, Laws of 1973 and RCW 10.85.025.

NEW SECTION. Sec. 6. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

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

Passed the Senate March 21, 1979.

Passed the House April 11, 1979.

Approved by the Governor April 25, 1979.

Filed in Office of Secretary of State April 25, 1979.

CHAPTER 54

[Senate Bill No. 2173]

SUPERIOR COURT COMMISSIONERS—NUMBER—AUTHORITY

AN ACT Relating to superior court commissioners; amending section 1, chapter 124, Laws of 1909 as last amended by section 1, chapter 87, Laws of 1967 ex. sess. and RCW 2.24.010; and amending section 2, chapter 124, Laws of 1909 as amended by section 1, chapter 188, Laws of 1963 and RCW 2.24.040.

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

Section 1. Section 1, chapter 124, Laws of 1909 as last amended by section 1, chapter 87, Laws of 1967 ex. sess. and RCW 2.24.010 are each amended to read as follows:

There may be appointed in each county or judicial district, by the judges of the superior court having jurisdiction therein, ((a)) one or more court commissioners for said county or judicial district. Each such commissioner shall be a citizen of the United States and an elector of the county or judicial district in which he may be appointed, and shall hold his office during the pleasure of the judges appointing him.

Sec. 2. Section 2, chapter 124, Laws of 1909 as amended by section 1, chapter 188, Laws of 1963 and RCW 2.24.040 are each amended to read as follows:

Such court commissioner shall have power, authority, and jurisdiction, concurrent with the superior court and the judge thereof, in the following particulars:

(1) To hear and determine all matters in probate, to make and issue all proper orders therein, and to issue citations in all cases where same are authorized by the probate statutes of this state.

(2) To grant and enter defaults and enter judgment thereon.

(3) To issue temporary restraining orders and temporary injunctions, and to fix and approve bonds thereon.

(4) To act as referee in all matters and actions referred to him by the superior court as such, with all the powers now conferred upon referees by law.

(5) To hear and determine all proceedings supplemental to execution, with all the powers conferred upon the judge of the superior court in such matters.

(6) To hear and determine all petitions for the adoption of children, for the dissolution of incorporations, and to change the name of any person.

(7) To hear and determine all applications for the commitment of any person to the hospital for the insane, with all the powers of the superior court in such matters: PROVIDED, That in cases where a jury is demanded, same shall be referred to the superior court for trial.

(8) To hear and determine all complaints for the commitments of minors with all powers conferred upon the superior court in such matters.

(9) To hear and determine ex parte and uncontested civil matters of any nature.

(10) To grant adjournments, administer oaths, preserve order, compel attendance of witnesses, and to punish for contempts in the refusal to obey or the neglect of his lawful orders made in any matter before him as fully as the judge of the superior court.

~~((+0))~~ (11) To take acknowledgments and proofs of deeds, mortgages and all other instruments requiring acknowledgment under the laws of this state, and to take affidavits and depositions in all cases.

~~((+1))~~ (12) To provide an official seal, upon which shall be engraved the words "Court Commissioner," and the name of the county for which he may be appointed, and to authenticate his official acts therewith in all cases where same is necessary.

~~((+2))~~ (13) To charge and collect, for his own use, the same fees for the official performance of official acts mentioned in ~~((subdivisions (4) and (+0) herein))~~ subsections (4) and (11) of this section as are provided by law for referees and notaries public.

Passed the Senate March 21, 1979.

Passed the House April 11, 1979.

Approved by the Governor April 25, 1979.

Filed in Office of Secretary of State April 25, 1979.

CHAPTER 55

[Senate Bill No. 2175]

CRIMINAL JUSTICE TRAINING COMMISSION—COMPOSITION

AN ACT Relating to criminal justice training commissions; and amending section 3, chapter 94, Laws of 1974 ex. sess. and RCW 43.101.030.

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

Section 1. Section 3, chapter 94, Laws of 1974 ex. sess. and RCW 43-101.030 are each amended to read as follows:

The commission shall consist of (~~eleven~~) thirteen 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 governor shall appoint one private citizen.

(7) The (~~two~~) three 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; and

(c) The chief of the state patrol.

Passed the Senate March 30, 1979.

Passed the House April 11, 1979.

Approved by the Governor April 25, 1979.

Filed in Office of Secretary of State April 25, 1979.

CHAPTER 56

[Senate Bill No. 2218]

PUBLIC URBAN LANDS—STATE, LOCAL PLANNING COORDINATION

AN ACT Relating to lands under the jurisdiction of the department of natural resources; and adding a new section to chapter 255, Laws of 1927 and to chapter 79.01 RCW.

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

NEW SECTION. Section 1. There is added to chapter 255, Laws of 1927 and to chapter 79.01 RCW a new section to read as follows:

The purpose of this 1979 act is to foster cooperative planning between the state of Washington, the department of natural resources, and local governments as to state-owned lands under the department's jurisdiction situated in urban areas.

At least once a year, prior to finalizing the department's urban land leasing action plan, the department and applicable local governments shall meet to review state and local plans and to coordinate planning in areas where urban lands are located. The department and local governments may enter into formal agreements for the purpose of planning the appropriate development of these state-owned urban lands.

The department shall contact those local governments which have planning, zoning, and land-use regulation authority over areas where urban lands under its jurisdiction are located so as to facilitate these annual or other meetings.

"Urban lands" as used in this 1979 act shall mean those areas which within ten years are expected to be intensively used for locations of buildings, structures, and usually have urban governmental services.

"Local government" as used in this 1979 act shall mean counties, cities, and towns having planning and land-use regulation authority.

Passed the Senate March 21, 1979.

Passed the House April 11, 1979.

Approved by the Governor April 25, 1979.

Filed in Office of Secretary of State April 25, 1979.

CHAPTER 57

[Engrossed Senate Bill No. 2242]

STATE BOARDS—GOVERNOR'S MEMBERSHIP

AN ACT Relating to state government; amending section 3, chapter 177, Laws of 1903 and RCW 27.28.030; amending section 3, chapter 187, Laws of 1925 ex. sess. and RCW 27.32.030; amending section 4, chapter 44, Laws of 1941 and RCW 27.36.040; amending section 29.80.030, chapter 9, Laws of 1965 and RCW 29.80.030; amending section 29.81.090, chapter 9, Laws of 1965 and RCW 29.81.090; amending section 32.08.050, chapter 13, Laws of 1955 and RCW 32.08.050; amending section 1, chapter 154, Laws of 1917 as last amended by section 1, chapter 111, Laws of 1975 1st ex. sess. and RCW 33.44.020; amending section 5, chapter 178, Laws of 1951 as last amended by section 82, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 38.52.040; amending section 43.30.040, chapter 8, Laws of 1965 and RCW 43.30.040; amending section 43.34.010, chapter 8, Laws of 1965 and RCW 43.34.010; repealing section 28B.30.105, chapter 223, Laws of 1969 ex. sess. and RCW 28B.30.105; and repealing section 47.56.020, chapter 13, Laws of 1961, section 1, chapter 278, Laws of 1961 and RCW 47.56.020.

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

Section 1. Section 3, chapter 177, Laws of 1903 and RCW 27.28.030 are each amended to read as follows:

The ((governor;)) secretary of state and state treasurer shall be ex officio members of the board of curators of the said Washington state historical society, authorized and empowered to vote upon all questions coming before the said board for its action.

Sec. 2. Section 3, chapter 187, Laws of 1925 ex. sess. and RCW 27.32.030 are each amended to read as follows:

The ((governor;)) secretary of state and state treasurer shall be ex officio members of the board of trustees of the said Eastern Washington state historical society, authorized and empowered to vote upon all questions coming before the said board for its action.

Sec. 3. Section 4, chapter 44, Laws of 1941 and RCW 27.36.040 are each amended to read as follows:

The (~~governor, the~~) secretary of state(;) and the state superintendent of public instruction shall be ex officio members of the board of trustees of said state capitol historical association, and as such are hereby authorized and empowered to vote upon all questions coming before such board for its action.

Sec. 4. Section 29.80.030, chapter 9, Laws of 1965 and RCW 29.80.030 are each amended to read as follows:

(1) The secretary of state shall reject any statement offered for filing, which, in his opinion, contains any obscene, profane, libelous or defamatory matter, or any language or matter, the circulation of which through the mails is prohibited by congress. Nor shall any nominee submit a photograph showing the uniform or insignia of any organization which advocates or teaches racial or religious intolerance.

(2) Within five days after such rejection the persons submitting such statement for filing may appeal to a board of review, consisting of the (~~governor~~) superintendent of public instruction, attorney general and the lieutenant governor. The decision of such board shall be final upon the acceptance or rejection of the matter thus in controversy.

Sec. 5. Section 29.81.090, chapter 9, Laws of 1965 and RCW 29.81.090 are each amended to read as follows:

If in the opinion of the secretary of state any argument offered for filing contains any obscene, vulgar, profane, scandalous, libelous, defamatory, or treasonable matter, or any language tending to provoke crime or a breach of the peace, or any language or matter the circulation of which through the mails is prohibited by any act of congress, the secretary of state shall refuse to file it: PROVIDED, That the committee submitting such argument for filing may appeal to a board of censors consisting of the lieutenant governor, the attorney general and the superintendent of public instruction, and the decision of a majority of such board shall be final.

Sec. 6. Section 32.08.050, chapter 13, Laws of 1955 and RCW 32.08-.050 are each amended to read as follows:

From the supervisor's refusal to issue a certificate of authorization, the applicants or a majority of them, may within thirty days from the date of the filing of the certificate of refusal with the secretary of state, appeal to a board of appeal composed of the governor or the governor's designee, the attorney general and the supervisor of banking by filing in the office of the supervisor a notice that they appeal to such board from his refusal. The procedure upon the appeal shall be such as the board may prescribe, and its determination shall be certified, filed, and recorded in the same manner as the supervisor's, and shall be final.

Sec. 7. Section 1, chapter 154, Laws of 1917 as last amended by section 1, chapter 111, Laws of 1975 1st ex. sess. and RCW 33.44.020 are each amended to read as follows:

Any going building and loan or savings and loan association or society organized under the laws of this state, or under the laws of the United States, may, if its contingent fund regularly accumulated, exclusive of any reserve fund stock, amounts to not less than five thousand dollars and if it has obtained the approval, required by law or regulation, of any federal agencies, including the federal home loan bank board and the federal savings and loan insurance corporation, be converted into a mutual savings bank in the following manner:

(1) The board of directors of such association shall pass a resolution declaring their intention to convert the association into a mutual savings bank and shall apply to the supervisor of banking for leave to submit to the shareholders of the association the question whether the same shall be converted into a mutual savings bank. A duplicate of the application to the supervisor of banking shall be filed with the supervisor of savings and loan associations, except that no such filing shall be required in the case of an association organized under the laws of the United States.

(2) Thereupon the supervisor of banking shall make the same investigation and determine the same questions as he would be required by law to make and determine in case of the submission to him of a certificate of incorporation of a proposed new mutual savings bank, and he shall also determine after conference with the supervisor of savings and loan associations whether by the proposed conversion the business needs and conveniences of the shareholders of such association would be served with facility and safety, except that no such conference shall be pertinent to such investigation or determination in the case of an association organized under the laws of the United States. After the supervisor of banking shall have satisfied himself by such investigation whether it is expedient and desirable to permit the proposed conversion, he shall, within sixty days after the filing of said application, endorse thereon over his official signature the word "granted" or the word "refused", with the date of such endorsement and shall immediately notify the secretary of such association of his decision: **PROVIDED**, That if the application is granted the supervisor of banking shall require the applicants to enter into such an agreement or undertaking with him as trustee for the depositors with the savings bank to make such contributions in cash to the expense fund of the savings bank as in his judgment will be necessary then and from time to time thereafter to pay the operating expenses of the bank if its earnings should not be sufficient to pay the same in addition to the payment of such dividends as may be declared and credited to depositors from its earnings.

In case of refusal, said board of directors, or a majority thereof, may, within thirty days after receiving the notice of such refusal appeal to a board of appeal composed of the governor or the governor's designee, the attorney general and the supervisor of banking, in the same manner and under the same procedure as that prescribed by law for an appeal to such

board from the supervisor of banking's refusal to permit the original organization of a mutual savings bank.

(3) If such application be granted by the supervisor of banking or by the board of appeal, as the case may be, the board of directors of such association shall, within sixty days thereafter, submit the question of the proposed conversion to the shareholders of the association at a special meeting called for that purpose. Notice of such meeting shall be given in the manner prescribed by the bylaws of the association. Such notice shall state the time, place and purpose of the meeting, and that the only question to be voted upon will be, "shall the (naming the association) be converted into a mutual savings bank under the laws of the state of Washington?" The vote on said question shall be by ballot. Any shareholder may vote by proxy or may transmit his ballot by mail if the bylaws provide a method for so doing. If two-thirds or more in number of the shareholders voting on the question vote affirmatively, then the board of directors shall have power, and it shall be their duty, to proceed to convert such association into a mutual savings bank; otherwise, the proposed conversion shall be abandoned and shall not be again submitted to the shareholders within three years from the date of said meeting.

(4) If authority for the proposed conversion has been voted by the shareholders as hereinabove required, the directors shall, within thirty days thereafter, subscribe and acknowledge and file with the supervisor of banking in quadruplicate a certificate of reincorporation, stating:

(a) The name by which the converted corporation is to be known, which name shall include the words "mutual savings bank."

(b) The place where the bank is to be located and its business transacted, naming the city or town and county, which city or town shall be the same as that where the principal place of business of the corporation has theretofore been located.

(c) The name, occupation, residence and post office address of each signer of the certificate.

(d) The amount of the assets of the corporation, the amount of its liabilities and the amount of its contingent fund as of the first day of the then calendar month.

(e) A declaration that each signer will accept the responsibilities and faithfully discharge the duties of a trustee of the savings bank, and is free from all the disqualifications specified in the laws applicable to mutual savings banks.

(5) Upon the filing of said certificate in quadruplicate the supervisor of banking shall, within thirty days thereafter, if satisfied that all the provisions of this chapter have been complied with, issue in quadruplicate an authorization certificate stating that the corporation has complied with all the requirements of law, and that it has authority to transact at the place designated in its certificate of incorporation the business of a mutual savings

bank. One of the supervisor's quadruplicate certificates of authorization shall be attached to each of the quadruplicate certificates of reincorporation, and one set of these shall be filed and retained by the supervisor of banking, one set shall be filed in the office of the county auditor of the county in which such bank is located, one set shall be filed in the office of the secretary of state, and one set shall be transmitted to the bank for its files. Upon the receipt from the corporation of the same fees as are required for filing and recording other incorporation certificates or articles the county auditor and secretary of state shall file said certificates in their respective offices and the secretary of state shall record the same; whereupon the conversion of such association shall be deemed complete, and the signers of said reincorporation certificate and their successors shall thereupon become and be a corporation having the powers and being subject to the duties and obligations prescribed by the laws of this state applicable to mutual savings banks, and the time of existence of such corporation shall continue for the period of fifty years from the date of the filing of such certificate, unless sooner terminated pursuant to law.

Sec. 8. Section 5, chapter 178, Laws of 1951 as last amended by section 82, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 38.52.040 are each amended to read as follows:

There is hereby created an 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 emergency services. The ~~((governor))~~ director shall serve as chairman of the council, and the members thereof shall serve without compensation, but may be reimbursed for their travel expenses incurred in the performance of their duties in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

Sec. 9. Section 43.30.040, chapter 8, Laws of 1965 and RCW 43.30.040 are each amended to read as follows:

The board shall consist of five members: The governor or the governor's designee, the superintendent of public instruction, the commissioner of public lands, the dean of the college of ~~((forestry))~~ forest resources of the University of Washington and the ~~((director of the institute of agricultural sciences))~~ dean of the college of agriculture of Washington State University.

Sec. 10. Section 43.34.010, chapter 8, Laws of 1965 and RCW 43.34.010 are each amended to read as follows:

The governor or the governor's designee, the lieutenant governor, and the commissioner of public lands, ex officio, shall constitute the state capitol committee.

NEW SECTION. Sec. 11. The following acts or parts of acts are each hereby repealed:

(1) Section 28B.30.105, chapter 223, Laws of 1969 ex. sess. and RCW 28B.30.105; and

(2) Section 47.56.020, chapter 13, Laws of 1961, section 1, chapter 278, Laws of 1961 and RCW 47.56.020.

Passed the Senate March 21, 1979.

Passed the House April 11, 1979.

Approved by the Governor April 25, 1979.

Filed in Office of Secretary of State April 25, 1979.

CHAPTER 58

[Senate Bill No. 2290]

DEPARTMENT OF TRANSPORTATION—POWERS AND DUTIES

AN ACT Relating to the department of transportation; and adding a new section to chapter 47.01 RCW.

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:

(1) The department of transportation shall exercise all the powers and perform all the duties necessary, convenient, or incidental to the planning, locating, designing, constructing, improving, repairing, operating, and maintaining state highways, including bridges and other structures, culverts, and drainage facilities and channel changes necessary for the protection of state highways, and shall examine and allow or disallow bills for any work or services performed or materials, equipment, or supplies furnished.

(2) The department is authorized to acquire property as provided by law and to construct and maintain thereon any buildings or structures necessary or convenient for the planning, design, construction, operation, maintenance, and administration of the state highway system and to acquire property and to construct and maintain any buildings, structures, appurtenances, and facilities necessary or convenient to the health and safety and for the accommodation of persons traveling upon state highways.

(3) The department is authorized to engage in planning surveys and may collect, compile, and analyze statistics and other data relative to existing and future highways and highway needs throughout the state, and shall

conduct research, investigations, and testing as it deems necessary to improve the methods of construction and maintenance of highways and bridges.

Passed the Senate March 21, 1979.

Passed the House April 11, 1979.

Approved by the Governor April 25, 1979.

Filed in Office of Secretary of State April 25, 1979.

CHAPTER 59

[Senate Bill No. 2296]

DEPARTMENT OF VETERANS AFFAIRS—DONATIONS, DEPOSIT, ALLOTMENT—CIGARETTE TAX—VETERANS BONUS

AN ACT Relating to veterans; amending section 43.61.060, chapter 8, Laws of 1965 as amended by section 7, chapter 189, Laws of 1971 ex. sess. and RCW 43.61.060; adding a new section to chapter 82.24 RCW; repealing section 43.61.050, chapter 8, Laws of 1965, section 35, chapter 18, Laws of 1970 ex. sess., section 23, chapter 115, Laws of 1975-'76 2nd ex. sess. and RCW 43.61.050; repealing section 1, chapter 180, Laws of 1949, section 1, chapter 13, Laws of 1950 ex. sess., section 108, chapter 154, Laws of 1973 1st ex. sess. and RCW 73.32.020; repealing section 2, chapter 180, Laws of 1949, section 1, chapter 7, Laws of 1951 and RCW 73.32.030; repealing section 3, chapter 180, Laws of 1949, section 2, chapter 123, Laws of 1975-'76 2nd ex. sess. and RCW 73.32.040; repealing section 1, chapter 325, Laws of 1955 and RCW 73.32.043; repealing section 1, chapter 208, Laws of 1953 and RCW 73.32.045; repealing sections 4 through 7, chapter 180, Laws of 1949 and RCW 73.32.050 through 73.32.080; repealing section 1, chapter 12, Laws of 1950 ex. sess. and RCW 73.32.085; repealing section 8, chapter 180, Laws of 1949 and RCW 73.32.120; repealing section 1, chapter 41, Laws of 1973, section 1, chapter 173, Laws of 1974 ex. sess. and RCW 73.32.130; repealing section 9, chapter 180, Laws of 1949, section 3, chapter 272, Laws of 1959 and RCW 73.32.140; repealing sections 10 through 12, chapter 180, Laws of 1949 and RCW 73.32.150 through 73.32.170; repealing section 1, chapter 231, Laws of 1951 and RCW 73.32.180; repealing sections 13 and 14, chapter 180, Laws of 1949 and RCW 73.32.900 and 73.32.910; repealing section 1, chapter 292, Laws of 1955, section 109, chapter 154, Laws of 1973 1st ex. sess. and RCW 73.33.010; repealing section 2, chapter 292, Laws of 1955, section 110, chapter 154, Laws of 1973 1st ex. sess. and RCW 73.33.020; repealing sections 3 through 11, chapter 292, Laws of 1955 and RCW 73.33.030 through 73.33.110; repealing section 12, chapter 292, Laws of 1955, section 1, chapter 147, Laws of 1959 and RCW 73.33.120; repealing section 13, chapter 292, Laws of 1955 and RCW 73.33.900; repealing section 1, chapter 154, Laws of 1972 ex. sess. and RCW 73.34.010; repealing section 2, chapter 154, Laws of 1972 ex. sess., section 1, chapter 273, Laws of 1975 1st ex. sess. and RCW 73.34.020; repealing section 3, chapter 154, Laws of 1972 ex. sess. and RCW 73.34.030; repealing section 4, chapter 154, Laws of 1972 ex. sess., section 3, chapter 123, Laws of 1975-'76 2nd ex. sess. and RCW 73.34.040; repealing section 5, chapter 154, Laws of 1972 ex. sess. and RCW 73.34.050; repealing section 6, chapter 154, Laws of 1972 ex. sess., section 4, chapter 123, Laws of 1975-'76 2nd ex. sess. and RCW 73.34.060; repealing section 9, chapter 154, Laws of 1972 ex. sess. and RCW 73.34.080; repealing section 10, chapter 154, Laws of 1972 ex. sess., section 2, chapter 273, Laws of 1975 1st ex. sess. and RCW 73.34.090; repealing section 11, chapter 154, Laws of 1972 ex. sess., section 5, chapter 123, Laws of 1975-'76 2nd ex. sess. and RCW 73.34.100; repealing section 12, chapter 154, Laws of 1972 ex. sess., section 6, chapter 123, Laws of 1975-'76 2nd ex. sess. and RCW 73.34.110; repealing section 13, chapter 154, Laws of 1972 ex. sess., section 2, chapter 173, Laws of 1974 ex. sess., section 3, chapter 273, Laws of 1975 1st ex. sess. and RCW 73.34.120; and repealing section 14, chapter 154, Laws of 1972 ex. sess. and RCW 73.34.900.

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

Section 1. Section 43.61.060, chapter 8, Laws of 1965 as amended by section 7, chapter 189, Laws of 1971 ex. sess. and RCW 43.61.060 are each amended to read as follows:

The department of veterans affairs may receive gifts, donations, and grants from any person or agency and all such gifts, donations, and grants shall be placed in the (~~veterans' rehabilitation council account~~) general fund and may be allotted and used in accordance with the donors' instructions as an unanticipated receipt pursuant to RCW 43.79.270 through 43.79.282 as now existing or hereafter amended.

NEW SECTION. Sec. 2. There is added to chapter 82.24 RCW a new section to read as follows:

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 this chapter, 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 this chapter 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 the state general fund.

NEW SECTION. Sec. 3. The following acts or parts of acts are each repealed:

(1) Section 43.61.050, chapter 8, Laws of 1965, section 35, chapter 18, Laws of 1970 ex. sess., section 23, chapter 115, Laws of 1975-'76 2nd ex. sess. and RCW 43.61.050;

(2) Section 1, chapter 180, Laws of 1949, section 1, chapter 13, Laws of 1950 ex. sess., section 108, chapter 154, Laws of 1973 1st ex. sess. and RCW 73.32.020;

(3) Section 2, chapter 180, Laws of 1949, section 1, chapter 7, Laws of 1951 and RCW 73.32.030;

(4) Section 3, chapter 180, Laws of 1949, section 2, chapter 123, Laws of 1975-'76 2nd ex. sess. and RCW 73.32.040;

(5) Section 1, chapter 325, Laws of 1955 and RCW 73.32.043;

(6) Section 1, chapter 208, Laws of 1953 and RCW 73.32.045;

(7) Sections 4 through 7, chapter 180, Laws of 1949 and RCW 73.32-.050 through 73.32.080;

(8) Section 1, chapter 12, Laws of 1950 ex. sess. and RCW 73.32.085;

(9) Section 8, chapter 180, Laws of 1949 and RCW 73.32.120;

(10) Section 1, chapter 41, Laws of 1973, section 1, chapter 173, Laws of 1974 ex. sess. and RCW 73.32.130;

- (11) Section 9, chapter 180, Laws of 1949, section 3, chapter 272, Laws of 1959 and RCW 73.32.140;
- (12) Sections 10 through 12, chapter 180, Laws of 1949 and RCW 73.32.150 through 73.32.170;
- (13) Section 1, chapter 231, Laws of 1951 and RCW 73.32.180;
- (14) Sections 13 and 14, chapter 180, Laws of 1949 and RCW 73.32.900 and 73.32.910;
- (15) Section 1, chapter 292, Laws of 1955, section 109, chapter 154, Laws of 1973 1st ex. sess. and RCW 73.33.010;
- (16) Section 2, chapter 292, Laws of 1955, section 110, chapter 154, Laws of 1973 1st ex. sess. and RCW 73.33.020;
- (17) Sections 3 through 11, chapter 292, Laws of 1955 and RCW 73.33.030 through 73.33.110;
- (18) Section 12, chapter 292, Laws of 1955, section 1, chapter 147, Laws of 1959 and RCW 73.33.120;
- (19) Section 13, chapter 292, Laws of 1955 and RCW 73.33.900;
- (20) Section 1, chapter 154, Laws of 1972 ex. sess. and RCW 73.34.010;
- (21) Section 2, chapter 154, Laws of 1972 ex. sess., section 1, chapter 273, Laws of 1975 1st ex. sess. and RCW 73.34.020;
- (22) Section 3, chapter 154, Laws of 1972 ex. sess. and RCW 73.34.030;
- (23) Section 4, chapter 154, Laws of 1972 ex. sess., section 3, chapter 123, Laws of 1975-'76 2nd ex. sess. and RCW 73.34.040;
- (24) Section 5, chapter 154, Laws of 1972 ex. sess. and RCW 73.34.050;
- (25) Section 6, chapter 154, Laws of 1972 ex. sess., section 4, chapter 123, Laws of 1975-'76 2nd ex. sess. and RCW 73.34.060;
- (26) Section 9, chapter 154, Laws of 1972 ex. sess. and RCW 73.34.080;
- (27) Section 10, chapter 154, Laws of 1972 ex. sess., section 2, chapter 273, Laws of 1975 1st ex. sess. and RCW 73.34.090;
- (28) Section 11, chapter 154, Laws of 1972 ex. sess., section 5, chapter 123, Laws of 1975-'76 2nd ex. sess. and RCW 73.34.100;
- (29) Section 12, chapter 154, Laws of 1972 ex. sess., section 6, chapter 123, Laws of 1975-'76 2nd ex. sess. and RCW 73.34.110;
- (30) Section 13, chapter 154, Laws of 1972 ex. sess., section 2, chapter 173, Laws of 1974 ex. sess., section 3, chapter 273, Laws of 1975 1st ex. sess. and RCW 73.34.120; and

(31) Section 14, chapter 154, Laws of 1972 ex. sess. and RCW 73.34.900.

Passed the Senate March 21, 1979.

Passed the House April 11, 1979.

Approved by the Governor April 25, 1979.

Filed in Office of Secretary of State April 25, 1979.

CHAPTER 60

[Senate Bill No. 2297]

HIGHER EDUCATION ASSISTANCE AUTHORITY

AN ACT Relating to higher education; creating a new section; and repealing sections 1 through 25, chapter 120, Laws of 1973 1st ex. sess. and RCW 28B.17.010 through 28B.17.210.

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

NEW SECTION. Section 1. Sections 1 through 25, chapter 120, Laws of 1973 1st ex. sess. and RCW 28B.17.010 through 28B.17.210 are each hereby repealed.

Passed the Senate March 21, 1979.

Passed the House April 11, 1979.

Approved by the Governor April 25, 1979.

Filed in Office of Secretary of State April 25, 1979.

CHAPTER 61

[Substitute Senate Bill No. 2301]

PERSONAL SERVICE CONTRACTS

AN ACT Relating to personal service contracts; amending section 1, chapter 191, Laws of 1974 ex. sess. as amended by section 44, chapter ... (House Bill No. 848), Laws of 1979 and RCW 39.29.010; and adding new sections to chapter 191, Laws of 1974 ex. sess. and to chapter 39.29 RCW.

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

NEW SECTION. Section 1. There is added to chapter 191, Laws of 1974 ex. sess. and to chapter 39.29 RCW a new section to read as follows:

It is the intent of this chapter to provide for a comprehensive legislative review of all personal service contracts negotiated within state government, unless specifically exempted under this chapter, and to centralize executive supervision of these expenditures by the office of financial management.

NEW SECTION. Sec. 2. There is added to chapter 191, Laws of 1974 ex. sess. and to chapter 39.29 RCW a new section to read as follows:

As used in this chapter:

(1) "Personal service contract" means an agreement, or any amendment or renewal thereto, with an independent contractor for the rendering of personal services to the state.

(2) "Personal service" means performing a specific study, project, or task which requires professional or technical expertise.

(3) "Agency" means 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.

Sec. 3. Section 1, chapter 191, Laws of 1974 ex. sess. as amended by section 44, chapter ... (House Bill No. 848), Laws of 1979 and RCW 39-.29.010 are each amended to read as follows:

~~(On and after July 24, 1974)~~ 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 financial 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 financial 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 financial 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 financial 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. 4. There is added to chapter 191, Laws of 1974 ex. sess. and to chapter 39.29 RCW a new section to read as follows:

This chapter does not apply to:

(1) Contracts specifying a fee of less than two thousand five hundred dollars if the total of such contracts from that agency with the contractor within a twelve-month period does not exceed two thousand five hundred dollars;

(2) Contracts awarded through competitive bids if the bidding follows a formal, documented bid procedure and if the request for bids is advertised through the media normally used by the particular service being sought: PROVIDED, That for management purposes, the office of financial management may require the filing of certain contracts exempted under this subsection;

(3) Contracts where the contracting agency recognizes that an employee-employer relationship exists;

(4) Contracts awarded to companies that furnish a service where the tariff is established by the utilities and transportation commission or other public entity;

(5) Intergovernmental agreements awarded to any public corporation, whether federal, state, or local and any department, division, or subdivision thereof; and

(6) Contracts awarded for services to be performed for a standard fee, when the standard fee is established by the contracting agency or any other public corporation and a like contract is available to all qualified applicants.

Passed the Senate April 2, 1979.

Passed the House April 11, 1979.

Approved by the Governor April 25, 1979.

Filed in Office of Secretary of State April 25, 1979.

CHAPTER 62

[Senate Bill No. 2385]

FUNERAL SERVICES—COST INFORMATION DISCLOSURE

AN ACT Relating to funeral directors; and adding a new section to chapter 18.39 RCW.

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

NEW SECTION. Section 1. There is added to chapter 18.39 RCW a new section to read as follows:

(1) Every licensed funeral director, his agent, or his employee shall give, or cause to be given, to the person making funeral arrangements or arranging for shipment, transportation, or other disposition of a deceased person:

(a) If requested by telephone, accurate information regarding the retail prices of funeral merchandise and services offered for sale by that funeral director; and

(b) At the time such arrangements are completed or prior to the time of rendering the service, a written, itemized statement showing to the extent then known the price of merchandise and service that such person making such arrangements has selected, the price of supplemental items of service and merchandise, if any, and the estimated amount of each item for which the funeral service firm will advance money as an accommodation to the person making such funeral arrangements.

(2) No such funeral director, his agent, or his employee, shall bill or cause to be billed any item that is referred to as a "cash advanced" item unless the net amount paid for such item by the funeral director is the same amount as is billed to such funeral director.

Passed the Senate March 21, 1979.

Passed the House April 11, 1979.

Approved by the Governor April 25, 1979.

Filed in Office of Secretary of State April 25, 1979.

CHAPTER 63

[Engrossed Senate Bill No. 2492]

TELEPHONE SERVICE—TELECOMMUNICATION DEVICE INSTALLATIONS
FOR THE DEAF

AN ACT Relating to handicapped persons; adding a new section to chapter 70.54 RCW; and creating a new section.

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

NEW SECTION. Section 1. The legislature finds that many citizens of this state who are unable to utilize telephone services in a regular manner due to hearing defects are able to communicate by teletypewriters where hearing is not required for communication. Hence, it is the purpose of section 2 of this act to require that telecommunication devices for the deaf be installed.

NEW SECTION. Sec. 2. There is added to chapter 70.54 RCW a new section to read as follows:

(1) For the purpose of this section "telecommunication device" means an instrument for telecommunication in which speaking or hearing is not required for communicators.

(2) The county legislative authority of each fourth class or larger county and the governing body of each city with a population in excess of 10,000 shall provide by July 1, 1980 for a telecommunication device in their jurisdiction or through a central dispatch office that will assure access to police, fire, or other emergency services.

(3) The county legislative authority of each fifth class or smaller county shall by July 1, 1980 make a determination of whether sufficient need exists with their respective counties to require installation of a telecommunication device. Reconsideration of such determination will be made at any future date when a deaf individual indicates a need for such an instrument.

Passed the Senate April 16, 1979.

Passed the House April 9, 1979.

Approved by the Governor April 25, 1979.

Filed in Office of Secretary of State April 25, 1979.

CHAPTER 64

[Engrossed Senate Bill No. 2565]

POLLING PLACES—ACCESSIBILITY FOR HANDICAPPED PERSONS

AN ACT Relating to handicapped persons; adding a new chapter to Title 29 RCW; and providing effective dates.

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

NEW SECTION. Section 1. The intent of this chapter is to require county auditors to make reasonable efforts to designate and use locations for polling places which are accessible to handicapped persons, to include the following actions:

- (1) Make minor, inexpensive modifications such as installation of temporary ramps or relocation of booths within buildings, where indicated;
- (2) Designation of new, accessible polling places to replace those with poor facilities; and
- (3) Continued use of locations which are accessible to people with disabilities.

NEW SECTION. Sec. 2. Each county auditor shall report in writing to the secretary of state within one year after the effective date of this act with a list of precincts which do not have a polling place accessible to handicapped persons. The auditor shall indicate what efforts have been made pursuant to section 1 of this act to provide accessible places in such precincts.

NEW SECTION. Sec. 3. The secretary of state, in consultation with the state building code advisory council, shall adopt guidelines by January 1, 1980, for accessibility of polling places as required by this chapter.

NEW SECTION. Sec. 4. Each state agency and entity of local government shall permit the use of any of its buildings and the most suitable locations therein as polling places when required by a county auditor to provide accessible places in each precinct.

NEW SECTION. Sec. 5. County auditors shall, as feasible, solicit and use the assistance of disabled voters in reviewing sites and recommending inexpensive remedies to improve accessibility.

NEW SECTION. Sec. 6. Accessible polling places shall be provided as soon as feasible and the goal shall be to provide such places prior to the 1980 general election.

NEW SECTION. Sec. 7. Sections 1 through 5 of this act shall constitute a new chapter in Title 29 RCW.

Passed the Senate April 17, 1979.

Passed the House April 11, 1979.

Approved by the Governor April 25, 1979.

Filed in Office of Secretary of State April 25, 1979.

CHAPTER 65

[Engrossed Senate Bill No. 2106]

PERSONAL EXEMPTIONS—ELIGIBLE PERSONS—PROPERTY

AN ACT Relating to personal exemptions; and amending section 253, page 178, Laws of 1854 as last amended by section 13, chapter 154, Laws of 1973 1st ex. sess. and RCW 6.16.020.

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

Section 1. Section 253, page 178, Laws of 1854 as last amended by section 13, chapter 154, Laws of 1973 1st ex. sess. and RCW 6.16.020 are each amended to read as follows:

The following personal property shall be exempt from execution and attachment, except as hereinafter specially provided:

(1) All wearing apparel of every person and family, but not to exceed five hundred dollars in value in furs, jewelry, and personal ornaments for any person.

(2) All private libraries not to exceed five hundred dollars in value, and all family pictures and keepsakes.

(3) To each (~~householder~~) person or family, (a) (~~his~~) the person's or family's household goods, appliances, furniture and home and yard equipment, not to exceed one thousand dollars in value;

(b) provisions and fuel for the comfortable maintenance of such (~~household and~~) person or family for three months; and

(c) other property not to exceed four hundred dollars in value, of which not more than one hundred dollars in value may consist of cash, bank accounts, savings and loan accounts, stocks, bonds, or other securities.

(4) To (~~(a)~~) any person or family (~~(not a householder, other property not to exceed two hundred dollars in value, of which not more than one hundred dollars in value may consist of cash, bank accounts, savings and loan accounts, stocks, bonds, or other securities)~~), one motor vehicle which

is used for personal transportation, not to exceed seven hundred and fifty dollars in value.

(5) To a farmer, farm trucks, farm stock, farm tools, farm equipment, supplies and seed, not to exceed one thousand five hundred dollars in value.

(6) To a physician, surgeon, attorney, clergyman, or other professional ~~((man, his))~~ person, the person's library, office furniture, office equipment and supplies, not to exceed one thousand five hundred dollars in value.

(7) To any other person, the tools and instruments and materials used to carry on his or her trade for the support of himself or herself or family, not to exceed one thousand five hundred dollars in value.

The property referred to in the foregoing subsection (3) shall be selected by ~~((the husband or wife if present, and in case neither husband nor wife nor other person entitled to the exemption shall be))~~ any adult member of the family on behalf of the family or the person, if present, and in case no adult member of the family or person is present to make the selection, then the sheriff or the director of public safety shall make a selection equal in value to the applicable exemptions above described and he shall return the same as exempt by inventory. Any selection made as above provided shall be prima facie evidence (a) that the property so selected is exempt from execution and attachment, and (b) that the property so selected is not in excess of the values specified for the exemptions. Except as above provided, the exempt property shall be selected by the person claiming the exemption. No person shall be entitled to more than one exemption under the provisions of the foregoing subsections (5), (6) and (7).

For purposes of this section "value" shall mean the reasonable market value of the article or item at the time of its selection, and shall be of the debtor's interest therein, exclusive of all liens and encumbrances thereon.

Wages, salary, or other compensation regularly paid for personal services rendered by the person claiming the exemption may not be claimed as exempt under the foregoing provisions, but the same may be claimed as exempt in any bankruptcy or insolvency proceeding to the same extent as allowed under the statutes relating to garnishments.

No property shall be exempt under this section from an execution issued upon a judgment for all or any part of the purchase price thereof, or for any tax levied upon such property.

Passed the Senate April 16, 1979.

Passed the House April 10, 1979.

Approved by the Governor April 26, 1979.

Filed in Office of Secretary of State April 26, 1979.

CHAPTER 66

[Senate Bill No. 2130]

EDUCATIONAL SERVICE DISTRICTS—SERVICES PROVIDED TO PUBLIC AND PRIVATE SCHOOLS

AN ACT Relating to services provided by educational service districts to public and private schools; amending section 11, chapter 282, Laws of 1971 ex. sess. as amended by section 16, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.21.086; amending section 28A.58.107, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 26, Laws of 1971 and RCW 28A.58.107; and creating a new section.

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

Section 1. Section 11, chapter 282, Laws of 1971 ex. sess. as amended by section 16, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.21.086 are each amended to read as follows:

In addition to other powers and duties as provided by law, every educational service district board shall:

(1) Comply with rules or regulations of the state board of education and the superintendent of public instruction.

(2) If the district board deems necessary, establish and operate for the schools within the boundaries of the educational service district a depository and distribution center for films, tapes, charts, maps, and other instructional material as recommended by the school district superintendents within the service area of the educational service district: PROVIDED, That the district may also provide the services of the depository and distribution center to private schools within the district so long as such private schools pay such fees that reflect actual costs for services and the use of instructional materials as may be established by the educational service district board.

(3) Establish cooperative service programs for school districts within the educational service district and joint purchasing programs for schools within the educational service district pursuant to RCW 28A.58.107(3), as now or hereafter amended: PROVIDED, That on matters relating to cooperative service programs the board and superintendent of the educational service district shall seek the prior advice of the superintendents of local school districts within the educational service district.

Sec. 2. Section 28A.58.107, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 26, Laws of 1971 and RCW 28A.58.107 are each amended to read as follows:

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

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

(2) In addition to providing free instruction in lip reading for children handicapped by defective hearing, make arrangements for free instruction in lip reading to adults handicapped by defective hearing whenever in its

judgment such instruction appears to be in the best interests of the school district and adults concerned;

(3) Join with boards of directors of other school districts or an educational service district pursuant to RCW 28A.21.086(3), as now or hereafter amended, or both such school districts and educational service district in buying supplies, equipment and services by establishing and maintaining a joint purchasing agency, or otherwise, when deemed for the best interests of the district, any joint agency formed hereunder being herewith authorized and empowered to issue interest bearing warrants in payment of any obligation owed: PROVIDED, HOWEVER, That those agencies issuing interest bearing warrants shall assign accounts receivable in an amount equal to the amount of the outstanding interest bearing warrants to the county treasurer issuing such interest bearing warrants: PROVIDED FURTHER, That the joint purchasing agency may cooperate with and jointly make purchases with private schools of ~~((educational))~~ supplies, equipment, and services so long as such private schools pay their proportionate share of the costs involved in such purchases; and

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

NEW SECTION. Sec. 3. 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 April 16, 1979.

Passed the House April 10, 1979.

Approved by the Governor April 26, 1979.

Filed in Office of Secretary of State April 26, 1979.

CHAPTER 67

[Senate Bill No. 2295]

OBSOLETE FUNDS AND ACCOUNTS—DISESTABLISHMENT

AN ACT Relating to state government; disestablishing obsolete funds and accounts; amending section 18, chapter 169, Laws of 1935 and RCW 19.28.330; amending section 1, chapter 123, Laws of 1975 1st ex. sess. and RCW 43.22.500; amending section 43.79.330, chapter 8, Laws of 1965 and RCW 43.79.330; amending section 43.82.090, chapter 8, Laws of 1965 and RCW 43.82.090; amending section 71.02.390, chapter 25, Laws of 1959 and RCW 71.02.390; amending section 72.05.150, chapter 28, Laws of 1959 as amended by section 181, chapter 141, Laws of 1979 and RCW 72.05.150; amending section 3, chapter 63, Laws of 1971 ex. sess. as last amended by section 1, chapter 53, Laws of 1975 and RCW 74.13.106; amending section 4, chapter 63, Laws of 1971 ex. sess. and RCW 74.13.109; amending section 11, chapter 63, Laws of 1971 ex. sess. and RCW 74.13.130; amending section 1, chapter 332, Laws of 1959 as amended by section 7, chapter 207, Laws of 1971 ex. sess. and RCW 76.04.510; amending section 8, chapter 207, Laws of 1971 ex. sess. as amended by section 4, chapter 24, Laws of 1973 1st ex. sess. and RCW 76.04.515; amending section 9, chapter 233, Laws of 1951 and RCW 76.06.110; amending section 3, chapter 116, Laws of 1947 as last amended by section 1, chapter 12, Laws of 1963 and RCW 76.40.030; creating new sections; repealing section 28A.47.150, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.150; repealing section 28A.47.160, chapter

223, Laws of 1969 ex. sess. and RCW 28A.47.160; repealing section 28A.47.425, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.425; repealing section 28A.47.430, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.430; repealing section 43.31.600, chapter 8, Laws of 1965 and RCW 43.31.600; repealing section 43.31.610, chapter 8, Laws of 1965 and RCW 43.31.610; repealing section 2, chapter 172, Laws of 1965 ex. sess. and RCW 43.83.072; repealing section 6, chapter 172, Laws of 1965 ex. sess. and RCW 43.83.080; repealing section 2, chapter 148, Laws of 1967 ex. sess. and RCW 43.83.092; repealing section 6, chapter 148, Laws of 1967 ex. sess., section 1, chapter 187, Laws of 1969 ex. sess. and RCW 43.83.100; repealing sections 1 through 7, chapter 262, Laws of 1971 ex. sess. and RCW 47.44.080 through 47.44.140; repealing section 47.60.070, chapter 13, Laws of 1961 and RCW 47.60.070; repealing section 47.60.180, chapter 13, Laws of 1961 and RCW 47.60.180; repealing section 47.60.190, chapter 13, Laws of 1961 and RCW 47.60.190; repealing section 72.01.160, chapter 28, Laws of 1959, section 151, chapter 141, Laws of 1979 and RCW 72.01.160; repealing section 72.08.070, chapter 28, Laws of 1959 and RCW 72.08.070; repealing section 1, chapter 230, Laws of 1949 and RCW 72.99.010; repealing section 2, chapter 230, Laws of 1949 and RCW 72.99.020; repealing section 3, chapter 230, Laws of 1949 and RCW 72.99.030; repealing section 4, chapter 230, Laws of 1949, section 36, chapter 278, Laws of 1975 1st ex. sess. and RCW 72.99.040; repealing section 5, chapter 230, Laws of 1949 and RCW 72.99.050; repealing section 6, chapter 230, Laws of 1949 and RCW 72.99.060; repealing section 1, chapter 299, Laws of 1957 and RCW 72.99.170; repealing section 2, chapter 299, Laws of 1957 and RCW 72.99.180; repealing section 3, chapter 299, Laws of 1957 and RCW 72.99.190; repealing section 5, chapter 299, Laws of 1957 and RCW 72.99.210; repealing section 6, chapter 299, Laws of 1957 and RCW 72.99.220; repealing section 74.08.375, chapter 26, Laws of 1959 and RCW 74.08.375; repealing section 21, chapter 164, Laws of 1971 ex. sess., section 19, chapter 183, Laws of 1973 1st ex. sess. and RCW 74.20A.210; repealing section 77.12.180, chapter 36, Laws of 1955 and RCW 77.12.180; repealing section 1, chapter 279, Laws of 1955, section 1, chapter 62, Laws of 1957 and RCW 79.24.200; repealing section 2, chapter 279, Laws of 1955, section 2, chapter 62, Laws of 1957 and RCW 79.24.210; repealing section 3, chapter 22, Laws of 1951, section 3, chapter 279, Laws of 1955, section 3, chapter 62, Laws of 1957 and RCW 79.24.220; repealing section 4, chapter 22, Laws of 1951, section 4, chapter 279, Laws of 1955 and RCW 79.24.230; repealing section 5, chapter 279, Laws of 1955, section 4, chapter 62, Laws of 1957 and RCW 79.24.240; repealing section 6, chapter 279, Laws of 1955 and RCW 79.24.250; repealing section 7, chapter 22, Laws of 1951, section 3, chapter 187, Laws of 1953, section 7, chapter 279, Laws of 1955, section 5, chapter 62, Laws of 1957 and RCW 79.24.260; repealing section 8, chapter 279, Laws of 1955, section 6, chapter 62, Laws of 1957 and RCW 79.24.270; repealing section 7, chapter 62, Laws of 1957 and RCW 79.24.280; repealing section 8, chapter 233, Laws of 1951 and RCW 76.06.100; repealing section 10, chapter 233, Laws of 1951 and RCW 76.06.120; repealing section 1, chapter 140, Laws of 1953, section 7, chapter 107, Laws of 1979 and RCW 76.40.015; repealing section 13, chapter 140, Laws of 1953, section 8, chapter 107, Laws of 1979 and RCW 76.40.016; repealing section 5, chapter 136, Laws of 1973 and RCW 76.42.040; repealing section 6, chapter 136, Laws of 1973 and RCW 76.42.050; repealing section 4, chapter 299, Laws of 1957, section 38, chapter 278, Laws of 1975 1st ex. sess. and RCW 72.99.200; providing effective dates; and providing an expiration date.

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

Section 1. Section 18, chapter 169, Laws of 1935 and RCW 19.28.330 are each amended to read as follows:

All sums received from licenses, permit fees, or other sources, herein shall be paid to the state treasurer (~~(as ex-officio custodian thereof)~~) and (~~(by him, as such custodian;)~~) placed in a special fund designated as the "electrical license fund," and by him paid out upon vouchers duly and regularly issued therefor and approved by the director of labor and industries or the director's designee following determination by the board of electrical examiners that the sums are necessary to accomplish the intent of chapter

19.28 RCW. The ~~((said))~~ treasurer ~~((as ex officio custodian of said fund))~~ shall keep an accurate record of payments into, or receipts of, said fund, and of all disbursements therefrom. ~~((Said fund shall be charged with its pro rata share of the cost of administering said fund to be determined by the director of labor and industries and the director of efficiency of this state:))~~

Sec. 2. Section 1, chapter 123, Laws of 1975 1st ex. sess. and RCW 43.22.500 are each amended to read as follows:

~~((There is hereby created within the state treasury a revolving fund to be known as the "department of labor and industries revolving fund", which shall be used by the director of))~~ The department of labor and industries, to defray the costs of printing, reprinting, or distributing printed matter issued by the department of labor and industries including, but not limited to, the matters listed in RCW 43.22.505~~((The department of labor and industries))~~, may charge a fee for such publications in an amount which will reimburse the department for the costs of printing, reprinting, and distributing such publications: PROVIDED, That every person subject to regulation by the department may upon request receive without charge one copy per year of any publication printed pursuant to RCW 43.22.505 whenever such person is affected by any statute, rule or regulation printed therein. All fees collected shall be deposited in the ~~((department of labor and industries revolving fund. In order to maintain an effective expenditure and revenue control the department of labor and industries revolving fund shall be subject in all respects to chapter 43.88 RCW but no appropriation shall be required to permit expenditures and payment of obligations from such fund))~~ state treasury to the credit of the appropriate fund or account.

Sec. 3. Section 43.79.330, chapter 8, Laws of 1965 and RCW 43.79.330 are each amended to read as follows:

All moneys to the credit of the following state funds on the first day of August, 1955, and all moneys thereafter paid to the state treasurer for or to the credit of such funds, are hereby transferred to the following accounts in the state general fund, the creation of which is hereby authorized:

- (1) Capitol building construction fund moneys, to the capitol building construction account;
- (2) Cemetery fund moneys, to the cemetery account;
- (3) ~~((Commercial feed fund moneys, to the commercial feed account;~~
- ~~(4) Commission merchants fund moneys, to the commission merchants account;~~
- ~~(5) Electrical licenses fund moneys, to the electrical licenses account;~~
- ~~(6)) Feed and fertilizer fund moneys, to the feed and fertilizer account;~~
- ~~((7) Fertilizer, agricultural mineral and limes fund moneys to the fertilizer, agricultural mineral and limes account;~~
- ~~(8))~~ (4) Forest development fund moneys, to the forest development account;

~~((9))~~ (5) Harbor improvement fund moneys, to the harbor improvement account;
~~((10))~~ Institutional building construction fund moneys, to the institutional building construction account;
~~((11))~~ (6) Investment reserve fund moneys, to the investment reserve account;
~~((12))~~ (7) Lewis river hatchery fund moneys, to the Lewis river hatchery account;
~~((13))~~ (8) Millersylvania Park current fund moneys, to the Millersylvania Park current account;
~~((14))~~ Nursery inspection fund moneys, to the nursery inspection account;
~~(15)~~ State parks and parkways fund moneys, to the state parks and parkways account;
~~(16)~~ Public school building construction fund moneys, to the public school building construction account;
~~((17))~~ (9) Puget Sound pilotage fund moneys, to the Puget Sound pilotage account;
~~((18))~~ (10) Real estate commission fund moneys, to the real estate commission account;
~~((19))~~ (11) Reclamation revolving fund moneys, to the reclamation revolving account;
~~((20))~~ Seed fund moneys, to the seed account;
~~(21)~~ United States vocational education fund moneys, to the United States vocational education account;
~~((22))~~ (12) University of Washington building fund moneys, to the University of Washington building account; and
~~((23))~~ University of Washington medical and dental building and equipment fund moneys, to the University of Washington medical and dental building and equipment account;
~~((24))~~ (13) State College of Washington building fund moneys, to the Washington State University building account(;
~~(25)~~ Veterans rehabilitation council fund moneys, to the veterans rehabilitation council account; and
~~(26)~~ School emergency construction fund moneys, to the public school building construction account)).

Sec. 4. Section 43.82.090, chapter 8, Laws of 1965 and RCW 43.82.090 are each amended to read as follows:

~~((There is hereby created within the state treasury a special fund to be known as the "general administration construction fund" in which shall be deposited all moneys arising from the sale of such bonds, and all other moneys which may become available for carrying out the purposes of this chapter, provided, that from the moneys arising from the sale of such bonds there may be deposited in the general administration bond redemption fund~~

~~an amount equal to the interest accruing on such bonds during the estimated period of construction of the project for which such bonds are issued and for six months after the completion of such construction:))~~ All such bonds shall be designated as to the project for which they are issued and the proceeds thereof shall be used solely for that project, and for the payment of the expense incurred in the printing, issuance and sale of such bonds and to pay interest on such bonds for the period aforesaid.

The state finance committee is authorized to invest the proceeds from the sale of such bonds in short term securities of the United States government: PROVIDED, That such investment will not impede the orderly progress of the project for which the bonds were issued. The interest from such investments shall be deposited in the general administration bond redemption fund to the credit of the particular project involved.

Sec. 5. Section 71.02.390, chapter 25, Laws of 1959 and RCW 71.02-.390 are each amended to read as follows:

~~Advance remittances of ((such)) hospitalization charges ((may be held by the department in a suspense account for a period not to exceed ninety days in order to make prompt refunds in cases of overpayment. Moneys in such account shall be deposited in such bank or banks as the department may select, and any such depository shall furnish suitable surety bond or collateral for their safekeeping. Such funds))~~ required under RCW 71.02-.411 shall be transmitted to the state treasurer for deposit in the general fund ~~((after being held for the above purpose)).~~

Sec. 6. Section 72.05.150, chapter 28, Laws of 1959 as amended by section 181, chapter 141, Laws of 1979 and RCW 72.05.150 are each amended to read as follows:

The department shall have power to acquire, establish, maintain, and operate "minimum security" facilities for the care, custody, education, and treatment of children with less serious behavior problems. Such facilities may include parental schools or homes, farm units, and forest camps. Admission to such minimum security facilities shall be by juvenile court commitment or by transfer as herein otherwise provided. In carrying out the purposes of this section, the department may establish or acquire the use of such facilities by gift, purchase, lease, contract, or other arrangement with existing public entities, and to that end the secretary may execute necessary leases, contracts, or other agreements. In establishing forest camps, the department may contract with other divisions of the state and the federal government; including, but not limited to, the ~~((state division of forestry))~~ department of natural resources, the state parks and recreation commission, the U.S. forest service, and the national park service, on a basis whereby such camps may be made as nearly as possible self-sustaining. Under any such arrangement the contracting agency shall reimburse the department for the value of services which may be rendered by the inmates of a camp ~~((and all such reimbursements shall be credited to a "forest camp revolving~~

fund", which fund is hereby created, and out of which funds may be disbursed towards the cost of operation and maintenance of the camp)).

Sec. 7. Section 3, chapter 63, Laws of 1971 ex. sess. as last amended by section 1, chapter 53, Laws of 1975 and RCW 74.13.106 are each amended to read as follows:

All fees paid for adoption services pursuant to RCW 26.32.115 and 74.13.100 through 74.13.145 shall be credited to ~~((an adoption support account, hereby created, in))~~ the general fund. Expenses incurred in connection with supporting the adoption of hard to place children shall be paid by warrants drawn against such ~~((account. The secretary may also from time to time transfer to such account from appropriations available to him for care of children in foster homes and child-caring institutions such sums as in his judgment will further the purposes set forth in RCW 74.13.100))~~ appropriations as may be available. The secretary may for such purposes, contract with any public agency or licensed child placing agency and/or adoptive parent and is authorized to accept funds from other sources including federal, private, and other public funding sources to carry out such purposes.

The secretary shall actively seek, where consistent with the policies and programs of the department, and shall make maximum use of, such federal funds as are or may be made available to the department for the purpose of supporting the adoption of hard to place children. The secretary may, if permitted by federal law, deposit federal funds for adoption support, aid to adoptions, or subsidized adoption in the ~~((adoption support account of the))~~ general fund and may use such funds, subject to such limitations as may be imposed by federal or state law, to carry out the program of adoption support authorized by RCW 26.32.115 and 74.13.100 through 74.13.145.

~~((The secretary may also deposit in such account and disburse therefrom all gifts and grants from any nonfederal source, including public and private foundations, which may be used for the program of adoption support authorized by RCW 26.32.115 and 74.13.100 through 74.13.145.))~~

Sec. 8. Section 4, chapter 63, Laws of 1971 ex. sess. and RCW 74.13.109 are each amended to read as follows:

The secretary shall issue rules and regulations to assist in the administration of the program of adoption support authorized by RCW 26.32.115 and 74.13.100 through 74.13.145.

Disbursements from the ~~((adoption support account))~~ appropriations available from the general fund shall be made pursuant to such rules and regulations and pursuant to agreements conforming thereto to be made by the secretary with parents for the purpose of supporting the adoption of children in, or likely to be placed in, foster homes or child caring institutions who are found by the secretary to be difficult to place in adoption because of physical or other reasons; including, but not limited to, physical or

mental handicap, emotional disturbance, ethnic background, language, race, color, age, or sibling grouping.

Such agreements shall meet the following criteria:

(1) The child whose adoption is to be supported pursuant to such agreement shall be or have been a child hard to place in adoption.

(2) Such agreement must relate to a child who was or is residing in a foster home or child-caring institution or a child who, in the judgment of the secretary, is both eligible for, and likely to be placed in, either a foster home or a child-caring institution.

(3) Such agreement shall provide that adoption support shall not continue beyond the time that the adopted child reaches twenty-one years of age, becomes emancipated, dies, or otherwise ceases to need support, provided that if the secretary shall find that continuing dependency of such child after such child reaches twenty-one years of age warrants the continuation of support pursuant to RCW 26.32.115 and 74.13.100 through 74.13.145 the secretary may do so, subject to all the provisions of RCW 26.32.115 and 74.13.100 through 74.13.145, including annual review of the amount of such support.

(4) Any prospective parent who is to be a party to such agreement shall be a person who, while having the character, judgment, sense of responsibility, and disposition which make him or her suitable as an adoptive parent of such child, lacks the financial means fully to care for such hard to place child.

Sec. 9. Section 11, chapter 63, Laws of 1971 ex. sess. and RCW 74.13.130 are each amended to read as follows:

If the secretary determines that a prospective adoptive parent or parents cannot, because of limited financial means, pay the cost or the full cost of an adoption proceeding for the adoption of a hard to place child who would be eligible for support under RCW 26.32.115 and 74.13.100 through 74.13.145, the secretary may authorize the payment from the ~~((adoption support account))~~ appropriations available from the general fund of all or part a reasonable attorney's fee to be determined by the superior court hearing the adoption and court costs. The clerk of the court shall furnish the secretary with a certified copy of the decree of adoption containing the finding as to such attorney's fee.

In evaluating any such prospective parent's ability to pay the secretary may use the same criteria for evaluating ability to pay which are to be used by him in waiving, reducing, or deferring fees pursuant to RCW 74.13.103 plus the burdens likely to be assumed by such parent even after adoption support is provided pursuant to RCW 26.32.115 and 74.13.100 through 74.13.145.

Sec. 10. Section 1, chapter 332, Laws of 1959 as amended by section 7, chapter 207, Laws of 1971 ex. sess. and RCW 76.04.510 are each amended to read as follows:

~~((There is created a general contingency forest fire suppression account which shall be a separate account in the general fund. The account is)) Biennial general fund appropriations to the department of natural resources normally provide funds for the purpose of paying the emergency fire costs and expenses incurred and/or approved by the department in forest fire suppression or in reacting to any potential forest fire situation. When a determination is made that the fire started in the course of or as a result of a participating landowner operation, moneys expended from ~~((this account))~~ such appropriations in the suppression of such fire shall be recovered from the landowner contingency forest fire suppression account. The department shall transmit to the state treasurer for deposit in the general ~~((contingency forest fire suppression account))~~ fund any such moneys ~~((paid out of said account))~~ which are later recovered ~~((and said))~~. Moneys recovered during the biennium in which they are expended may be spent for purposes set forth ~~((herein))~~ in this section during the ~~((current))~~ same biennium, without reappropriation. ~~((Interfund loans to and from this account))~~ Loans between the general fund and the landowner contingency forest fire suppression account are authorized for emergency fire suppression. Such loans shall not exceed the amount appropriated for emergency forest fire suppression costs and shall bear interest at the then current rate of interest as determined by the state treasurer.~~

Sec. 11. Section 8, chapter 207, Laws of 1971 ex. sess. as amended by section 4, chapter 24, Laws of 1973 1st ex. sess. and RCW 76.04.515 are each amended to read as follows:

There is created a landowner contingency forest fire suppression account which shall be a separate account in the general fund. This account shall be for the purpose of paying emergency fire costs incurred or approved by the department in the suppression of forest fires. When a determination is made that the fire was started by other than a participating landowner operation, moneys expended from this account in the suppression of such fire shall be recovered from ~~((the general contingency forest))~~ such general fund appropriations as may be available for emergency fire suppression ~~((account))~~ costs. Moneys spent from this account shall be by appropriation. The department shall transmit to the state treasurer for deposit in the landowner contingency forest fire suppression account any moneys paid out of said account which are later recovered, less reasonable costs of recovery, which moneys may be expended for purposes set forth herein during the current biennium, without reappropriation.

This account shall be established and renewed by a special forest fire suppression account assessment paid by participating forest landowners at rates to be established by the department, but not to exceed five cents per acre per year for such period of years as may be necessary to establish and thereafter reestablish a balance in said account of one million dollars. The assessments with respect to forest lands in western and eastern Washington

may differ to equitably distribute the assessment based on emergency fire suppression cost experience necessitated by participating landowner operations. Amounts assessed for this account shall be a lien upon the forest lands with respect to which the assessment is made, and may be collected as directed by the department in the same manner as forest patrol assessments. This account shall be held by the state treasurer who is authorized to invest so much of said account as is not necessary to meet current needs. Any interest earned on moneys from said account shall be deposited in and remain a part of the account, and shall be computed as part of the same in determining the balance thereof. Interfund loans to and from this account are authorized at the then current rate of interest as determined by the state treasurer, provided that the effect of the loan is considered for purposes of determining the assessments. Payment of emergency costs from this account shall in no way restrict the right of the department to recover costs pursuant to RCW 76.04.390 as now or hereafter amended, or other laws.

When the department determines that a forest fire was started in the course of or as a result of a participating landowner operation, it shall notify the forest fire advisory board of such determination. Such determination shall be final, unless, within ninety days of such notification, the forest fire advisory board or any interested party, serves a request for a hearing before the department. Such hearing shall constitute a contested case under chapter 34.04 RCW and any appeal therefrom shall be to the superior court of Thurston county.

Sec. 12. Section 9, chapter 233, Laws of 1951 and RCW 76.06.110 are each amended to read as follows:

All moneys collected under the provisions of RCW 76.06.070, together with such moneys as may be ~~((appropriated by the legislature for the purposes of this chapter;))~~ contributed by the federal government or by any owner or agent, shall be deposited ~~((by the supervisor in the forest insect and disease control))~~ in the state general fund ~~((; and the moneys therein hereby are made available to the board))~~ for the purposes of this chapter.

~~((All unexpended balances remaining in said fund shall continue to be available for the purposes of this chapter and shall not revert to the state general fund;))~~

Any additional revenue earmarked for the purposes of this chapter which was not anticipated in the budget adopted by the legislature may be deposited in the general fund and allotted as unanticipated receipts pursuant to RCW 43.79.270 through 43.79.282 as now existing or hereafter amended.

Sec. 13. Section 3, chapter 116, Laws of 1947 as last amended by section 1, chapter 12, Laws of 1963 and RCW 76.40.030 are each amended to read as follows:

(1) Before any person may engage in log patrol activities he must have an existing license from the state therefor. Before any license is issued the

applicant must apply to the department of natural resources on a form to be prescribed by said department. The application must contain the name and address of the applicant or applicants, the name, type, and size of equipment to be used, and the mailing address of the principal place of business at which address process may be served upon the applicant. Before any license may be issued the applicant must execute and file with said department, to be approved by it, a surety bond running to the state in the sum of five thousand dollars, conditioned that the applicant will comply with all the requirements of the laws of the state governing such activities, and will account for all stray logs taken into possession. Each application shall be accompanied by a remittance of one hundred dollars for each boat or truck to be used or operated in such activities by the licensee or agent. All licenses shall expire on June 30th following the date of issuance. The department shall issue each applicant a license and shall also issue distinctive stickers or other suitable devices for each piece of equipment listed in the application identifying it as engaged in log patrol activities. A fee of four dollars shall be paid for each pair of such stickers or devices used.

(2) All moneys received by the department under this chapter or chapter 76.42 RCW shall be deposited in the general fund.

NEW SECTION. Sec. 14. (1) Unless otherwise specified in this 1979 act, all assets remaining in accounts and funds disestablished by this act shall be transferred to the general fund.

(2) Any balance remaining in the account disestablished by section 18(7) of this 1979 act shall be transferred to the state building and higher education bond redemption fund.

(3) This section shall expire after the indicated action is completed and for record purposes on December 31, 1979.

NEW SECTION. Sec. 15. The special trust fund established in behalf of Geither Horn by the thirty-eighth legislature, chapter 21, Laws of 1963 ex. sess. (page 1429, Laws of 1963 and 1963 ex. sess.) is disestablished.

NEW SECTION. Sec. 16. The special account designated in section 1, chapter 146, Laws of 1963, as the Seattle armory fund is disestablished. Any funds remaining in this account shall be transferred to the general fund.

NEW SECTION. Sec. 17. Sections 15 and 16 of this 1979 act shall expire after the indicated action has been completed and for record purposes on December 31, 1979.

NEW SECTION. Sec. 18. The following acts or parts of acts are each repealed:

(1) Section 28A.47.150, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.150;

(2) Section 28A.47.160, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.160;

- (3) Section 28A.47.425, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.425;
- (4) Section 28A.47.430, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.430;
- (5) Section 43.31.600, chapter 8, Laws of 1965 and RCW 43.31.600;
- (6) Section 43.31.610, chapter 8, Laws of 1965 and RCW 43.31.610;
- (7) Section 2, chapter 172, Laws of 1965 ex. sess. and RCW 43.83.072;
- (8) Section 6, chapter 172, Laws of 1965 ex. sess. and RCW 43.83.080;
- (9) Section 2, chapter 148, Laws of 1967 ex. sess. and RCW 43.83.092;
- (10) Section 6, chapter 148, Laws of 1967 ex. sess., section 1, chapter 187, Laws of 1969 ex. sess. and RCW 43.83.100;
- (11) Sections 1 through 7, chapter 262, Laws of 1971 ex. sess. and RCW 47.44.080 through 47.44.140;
- (12) Section 47.60.070, chapter 13, Laws of 1961 and RCW 47.60.070;
- (13) Section 47.60.180, chapter 13, Laws of 1961 and RCW 47.60.180;
- (14) Section 47.60.190, chapter 13, Laws of 1961 and RCW 47.60.190;
- (15) Section 72.01.160, chapter 28, Laws of 1959, section 151, chapter 141, Laws of 1979 and RCW 72.01.160;
- (16) Section 72.08.070, chapter 28, Laws of 1959 and RCW 72.08.070;
- (17) Section 1, chapter 230, Laws of 1949 and RCW 72.99.010;
- (18) Section 2, chapter 230, Laws of 1949 and RCW 72.99.020;
- (19) Section 3, chapter 230, Laws of 1949 and RCW 72.99.030;
- (20) Section 4, chapter 230, Laws of 1949, section 36, chapter 278, Laws of 1975 1st ex. sess. and RCW 72.99.040;
- (21) Section 5, chapter 230, Laws of 1949 and RCW 72.99.050;
- (22) Section 6, chapter 230, Laws of 1949 and RCW 72.99.060;
- (23) Section 1, chapter 299, Laws of 1957 and RCW 72.99.170;
- (24) Section 2, chapter 299, Laws of 1957 and RCW 72.99.180;
- (25) Section 3, chapter 299, Laws of 1957 and RCW 72.99.190;
- (26) Section 5, chapter 299, Laws of 1957 and RCW 72.99.210;
- (27) Section 6, chapter 299, Laws of 1957 and RCW 72.99.220;
- (28) Section 74.08.375, chapter 26, Laws of 1959 and RCW 74.08.375;
- (29) Section 21, chapter 164, Laws of 1971 ex. sess., section 19, chapter 183, Laws of 1973 1st ex. sess. and RCW 74.20A.210;
- (30) Section 77.12.180, chapter 36, Laws of 1955 and RCW 77.12.180;
- (31) Section 1, chapter 279, Laws of 1955, section 1, chapter 62, Laws of 1957 and RCW 79.24.200;
- (32) Section 2, chapter 279, Laws of 1955, section 2, chapter 62, Laws of 1957 and RCW 79.24.210;
- (33) Section 3, chapter 22, Laws of 1951, section 3, chapter 279, Laws of 1955, section 3, chapter 62, Laws of 1957 and RCW 79.24.220;
- (34) Section 4, chapter 22, Laws of 1951, section 4, chapter 279, Laws of 1955 and RCW 79.24.230;

(35) Section 5, chapter 279, Laws of 1955, section 4, chapter 62, Laws of 1957 and RCW 79.24.240;

(36) Section 6, chapter 279, Laws of 1955 and RCW 79.24.250;

(37) Section 7, chapter 22, Laws of 1951, section 3, chapter 187, Laws of 1953, section 7, chapter 279, Laws of 1955, section 5, chapter 62, Laws of 1957 and RCW 79.24.260;

(38) Section 8, chapter 279, Laws of 1955, section 6, chapter 62, Laws of 1957 and RCW 79.24.270; and

(39) Section 7, chapter 62, Laws of 1957 and RCW 79.24.280.

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

(1) Section 8, chapter 233, Laws of 1951 and RCW 76.06.100;

(2) Section 10, chapter 233, Laws of 1951 and RCW 76.06.120;

(3) Section 1, chapter 140, Laws of 1953, section 7, chapter 107, Laws of 1979 and RCW 76.40.015;

(4) Section 13, chapter 140, Laws of 1953, section 8, chapter 107, Laws of 1979 and RCW 76.40.016;

(5) Section 5, chapter 136, Laws of 1973 and RCW 76.42.040; and

(6) Section 6, chapter 136, Laws of 1973 and RCW 76.42.050.

NEW SECTION. Sec. 20. Section 4, chapter 299, Laws of 1957, section 38, chapter 278, Laws of 1975 1st ex. sess. and RCW 72.99.200 are each repealed.

This section shall take effect July 1, 1980.

NEW SECTION. Sec. 21. Sections 12, 13, and 19 of this 1979 act shall take effect on July 1, 1981.

NEW SECTION. Sec. 22. If any provision of this 1979 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 17, 1979.

Passed the House April 10, 1979.

Approved by the Governor April 26, 1979.

Filed in Office of Secretary of State April 26, 1979.

CHAPTER 68

[Engrossed Senate Bill No. 2314]

SECURITIES

AN ACT Relating to securities; amending section 60, chapter 282, Laws of 1959 as last amended by section 3, chapter 130, Laws of 1979 and RCW 21.20.005; amending section 4, chapter 282, Laws of 1959 as last amended by section 2, chapter 84, Laws of 1975 1st ex. sess. and RCW 21.20.040; amending section 5, chapter 282, Laws of 1959 as last amended by section 3, chapter 84, Laws of 1975 1st ex. sess. and RCW 21.20.050; amending section 7, chapter 282, Laws of 1959 as last amended by section 4, chapter 84,

Laws of 1975 1st ex. sess. and RCW 21.20.070; amending section 8, chapter 282, Laws of 1959 as amended by section 5, chapter 84, Laws of 1975 1st ex. sess. and RCW 21.20.080; amending section 9, chapter 282, Laws of 1959 as last amended by section 6, chapter 84, Laws of 1975 1st ex. sess. and RCW 21.20.090; amending section 11, chapter 282, Laws of 1959 as last amended by section 7, chapter 84, Laws of 1975 1st ex. sess. and RCW 21.20.110; amending section 12, chapter 282, Laws of 1959 as amended by section 8, chapter 84, Laws of 1975 1st ex. sess. and RCW 21.20.120; amending section 13, chapter 282, Laws of 1959 as amended by section 9, chapter 84, Laws of 1975 1st ex. sess. and RCW 21.20.130; amending section 10, chapter 37, Laws of 1961 as amended by section 3, chapter 77, Laws of 1974 ex. sess. and RCW 21.20.135; amending section 18, chapter 282, Laws of 1959 as amended by section 4, chapter 37, Laws of 1961 and RCW 21.20.180; amending section 20, chapter 282, Laws of 1959 and RCW 21.20.200; amending section 21, chapter 282, Laws of 1959 as amended by section 1, chapter 171, Laws of 1973 1st ex. sess. and RCW 21.20.210; amending section 23, chapter 282, Laws of 1959 as last amended by section 11, chapter 84, Laws of 1975 1st ex. sess. and RCW 21.20.230; amending section 25, chapter 282, Laws of 1959 and RCW 21.20.250; amending section 12, chapter 77, Laws of 1974 ex. sess. and RCW 21.20.275; amending section 28, chapter 282, Laws of 1959 as amended by section 15, chapter 84, Laws of 1975 1st ex. sess. and RCW 21.20.280; amending section 29, chapter 282, Laws of 1959 and RCW 21.20.290; amending section 30, chapter 282, Laws of 1959 and RCW 21.20.300; amending section 1, chapter 8, Laws of 1979 as amended by section 4, chapter 130, Laws of 1979 and RCW 21.20.310; amending section 32, chapter 282, Laws of 1959 as last amended by section 2, chapter 172, Laws of 1977 ex. sess. and RCW 21.20.320; amending section 3, chapter 199, Laws of 1967 as last amended by section 14, chapter 130, Laws of 1979 and RCW 21.20.325; amending section 33, chapter 282, Laws of 1959 as amended by section 19, chapter 84, Laws of 1975 1st ex. sess. and RCW 21.20.330; amending section 34, chapter 282, Laws of 1959 as last amended by section 3, chapter 172, Laws of 1977 ex. sess. and by section 4, chapter 188, Laws of 1977 ex. sess. and RCW 21.20.340; amending section 37, chapter 282, Laws of 1959 as amended by section 2, chapter 171, Laws of 1973 1st ex. sess. and RCW 21.20.370; amending section 38, chapter 282, Laws of 1959 as last amended by section 22, chapter 84, Laws of 1975 1st ex. sess. and RCW 21.20.380; amending section 39, chapter 282, Laws of 1959 as last amended by section 23, chapter 84, Laws of 1975 1st ex. sess. and RCW 21.20.390; amending section 40, chapter 282, Laws of 1959 as amended by section 5, chapter 17, Laws of 1965 and RCW 21.20.400; amending section 41, chapter 282, Laws of 1959 and RCW 21.20.410; amending section 43, chapter 282, Laws of 1959 as last amended by section 4, chapter 172, Laws of 1977 ex. sess. and RCW 21.20.430; amending section 13, chapter 77, Laws of 1974 ex. sess. and RCW 21.20.435; amending section 44, chapter 282, Laws of 1959 and RCW 21.20.440; amending section 45, chapter 282, Laws of 1959 as last amended by section 86, chapter 158, Laws of 1979 and RCW 21.20.450; amending section 47, chapter 282, Laws of 1959 as amended by section 64, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 21.20.470; amending section 48, chapter 282, Laws of 1959 and RCW 21.20.480; amending section 50, chapter 282, Laws of 1959 and RCW 21.20.500; amending section 52, chapter 282, Laws of 1959 and RCW 21.20.520; amending section 53, chapter 282, Laws of 1959 and RCW 21.20.530; amending section 56, chapter 282, Laws of 1959 as amended by section 4, chapter 171, Laws of 1973 1st ex. sess. and RCW 21.20.560; amending section 58, chapter 282, Laws of 1959 and RCW 21.20.580; amending section 9, chapter 171, Laws of 1973 1st ex. sess. as amended by section 87, chapter 158, Laws of 1979 and RCW 21.20.720; amending section 11, chapter 171, Laws of 1973 1st ex. sess. and RCW 21.20.740; amending section 12, chapter 171, Laws of 1973 1st ex. sess. and RCW 21.20.745; amending section 64, chapter 282, Laws of 1959 and RCW 21.20.915; and repealing section 27, chapter 84, Laws of 1975 1st ex. sess. and RCW 21.20.235.

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

Section 1. Section 60, chapter 282, Laws of 1959 as last amended by section 3, chapter 130, Laws of 1979 and RCW 21.20.005 are each amended to read as follows:

The definitions set forth in this section shall apply throughout this chapter, unless the context otherwise requires:

(1) "Director" means the director of licensing of this state.

(2) "~~((Salesman))~~ Salesperson" means any individual other than a broker-dealer who represents a broker-dealer or issuer in effecting or attempting to effect sales of securities, but "~~((salesman))~~ salesperson" does not include an individual who represents an issuer in (a) effecting a transaction in a security exempted by RCW 21.20.310(1), (2), (3), (4), (9), (10), (11), (12), or (13), as now or hereafter amended, (b) effecting transactions exempted by RCW 21.20.320, or (c) effecting transactions with existing employees, partners, or directors of the issuer if no commission or other remuneration is paid or given directly or indirectly for soliciting any person in this state.

(3) "Broker-dealer" means any person engaged in the business of effecting transactions in securities for the account of others or for ~~((his))~~ that person's own account. "Broker-dealer" does not include (a) a ~~((salesman))~~ salesperson, issuer, bank, savings institution, or trust company, (b) a person who has no place of business in this state if ~~((he))~~ the person effects transactions in this state exclusively with or through the issuers of the securities involved in the transactions, other broker-dealers, or banks, savings institutions, trust companies, insurance companies, investment companies as defined in the investment company act of 1940, pension or profit-sharing trusts, or other financial institutions or institutional buyers, whether acting for themselves or as trustees, or (c) a person who has no place of business in this state if during any period of twelve consecutive months ~~((he))~~ that person does not direct more than fifteen offers to sell or to buy into this state in any manner to persons other than those specified in subsection (b) above.

(4) "Guaranteed" means guaranteed as to payment of principal, interest, or dividends.

(5) "Full business day" means all calendar days, excluding therefrom Saturdays, Sundays, and all legal holidays, as defined by statute.

(6) "Investment adviser" means any person who, for compensation, engages in the business of advising others, either directly or through publications or writings, as to the value of securities or as to the advisability of investing in, purchasing, or selling securities, or who, for compensation and as a part of a regular business, issues or promulgates analyses or reports concerning securities. "Investment adviser" does not include (a) a bank, savings institution, or trust company, (b) a lawyer, accountant, engineer, or teacher whose performance of these services is solely incidental to the practice of his or her profession, (c) a broker-dealer, (d) a publisher of any bona fide newspaper, news magazine, or business or financial publication of general, regular, and paid circulation, (e) a person whose advice, analyses, or reports relate only to securities exempted by RCW 21.20.310(1), (f) a person who has no place of business in this state if (i) ~~((his))~~ that person's only clients in this state are other investment advisers, broker-dealers,

banks, savings institutions, trust companies, insurance companies, investment companies as defined in the investment company act of 1940, pension or profit-sharing trust, or other financial institutions or institutional buyers, whether acting for themselves or as trustees, or (ii) during any period of twelve consecutive months ~~((he))~~ that person does not direct business communications into this state in any manner to more than five clients other than those specified in clause (i) above, or (g) such other persons not within the intent of this paragraph as the director may by rule or order designate.

(7) "Issuer" means any person who issues or proposes to issue any security, except that with respect to certificates of deposit, voting trust certificates, or collateral-trust certificates, or with respect to certificates of interest or shares in an unincorporated investment trust not having a board of directors (or persons performing similar functions) or of the fixed, restricted management, or unit type; the term "issuer" means the person or persons performing the acts and assuming the duties of depositor or manager pursuant to the provisions of the trust or other agreement or instrument under which the security is issued.

(8) "Nonissuer" means not directly or indirectly for the benefit of the issuer.

(9) "Person" means an individual, a corporation, a partnership, an association, a joint-stock company, a trust where the interest of the beneficiaries are evidenced by a security, an unincorporated organization, a government, or a political subdivision of a government.

(10) "Sale" or "sell" includes every contract of sale of, contract to sell, or disposition of, a security or interest in a security for value. "Offer" or "offer to sell" includes every attempt or offer to dispose of, or solicitation of an offer to buy, a security or interest in a security for value.

Any security given or delivered with, or as a bonus on account of, any purchase of securities or any other thing is considered to constitute part of the subject of the purchase and to have been offered and sold for value. A purported gift of assessable stock is considered to involve an offer and sale. Every sale or offer of a warrant or right to purchase or subscribe to another security of the same or another issuer, as well as every sale or offer of a security which gives the holder a present or future right or privilege to convert into another security of the same or another issuer, is considered to include an offer of the other security.

(11) "Securities Act of 1933", "Securities Exchange Act of 1934", "Public Utility Holding Company Act of 1935", and "Investment Company Act of 1940" means the federal statutes of those names as amended before or after June 10, 1959.

(12) "Security" means any note; stock; treasury stock; bond; debenture; evidence of indebtedness; certificate of interest or participation in any profit-sharing agreement; collateral-trust certificate; preorganization certificate

or subscription; transferable share; investment contract; investment of money or other consideration in the risk capital of a venture with the expectation of some valuable benefit to the investor where the investor does not receive the right to exercise practical and actual control over the managerial decisions of the venture; voting-trust certificate; certificate of deposit for a security; certificate of interest or participation in an oil, gas or mining title or lease or in payments out of production under such a title or lease; charitable gift annuity; or, in general, any interest or instrument commonly known as a "security", or any certificate of interest or participation in, temporary or interim certificate for, receipt for, guarantee of, or warrant or right to subscribe to or purchase, any of the foregoing; or any sale of or indenture, bond or contract for the conveyance of land or any interest therein where such land is situated outside of the state of Washington and such sale or its offering is not conducted by a real estate broker licensed by the state of Washington. "Security" does not include any insurance or endowment policy or annuity contract under which an insurance company promises to pay money either in a lump sum or periodically for life or some other specified period.

(13) "State" means any state, territory, or possession of the United States, as well as the District of Columbia and Puerto Rico.

(14) "Investment adviser (~~salesman~~) salesperson" means a person retained or employed by an investment adviser to solicit clients or offer the services of the investment adviser or manage the accounts of said clients.

(15) "Relatives", as used in RCW 21.20.310(11) as now or hereafter amended, shall include:

(a) A member's spouse;

(b) Parents of the member or the member's spouse;

(c) Grandparents of the member or the member's spouse;

~~((e))~~ (d) Natural or adopted children of the member or the member's spouse;

~~((d))~~ (e) Aunts and uncles of the member or the member's spouse; and

~~((e))~~ (f) First cousins of the member or the member's spouse.

Sec. 2. Section 4, chapter 282, Laws of 1959 as last amended by section 2, chapter 84, Laws of 1975 1st ex. sess. 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 RCW 21.20-320))~~ salesperson, unless he or she is registered under this chapter: PROVIDED, That an exemption from registration as a broker-dealer or ~~((salesman))~~ salesperson 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))~~ salesperson unless the ~~((salesman))~~ salesperson is registered or exempted from registration. It is unlawful for any person to transact business in this state as an investment adviser unless (1) ~~((he))~~ the person is so registered under this chapter, or (2) ~~((he))~~ the person is registered as a broker-dealer under this chapter, or (3) ~~((his))~~ the person's only clients in this state are investment companies as defined in the Investment Company Act of 1940, or insurance companies. It is unlawful for any person to transact business in this state as an investment adviser ~~((salesman))~~ salesperson or for any investment adviser to employ an investment adviser ~~((salesman))~~ salesperson unless such person is registered.

Sec. 3. Section 5, chapter 282, Laws of 1959 as last amended by section 3, chapter 84, Laws of 1975 1st ex. sess. and RCW 21.20.050 are each amended to read as follows:

A broker-dealer, ~~((salesman))~~ salesperson, investment adviser, or investment adviser ~~((salesman))~~ salesperson may apply for registration by filing with the director an application together with a consent to service of process in such form as the director shall prescribe and payment of the fee prescribed in RCW 21.20.340.

Sec. 4. Section 7, chapter 282, Laws of 1959 as last amended by section 4, chapter 84, Laws of 1975 1st ex. sess. 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 or she 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 or two individual general partners or two officers of a corporate general partner may be registered as a ~~((salesman))~~ salesperson for a particular original offering of the issuer's securities without being required to pass such written examination: AND PROVIDED FURTHER, That no such person may again register within five years as such ~~((salesman))~~ salesperson 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))~~ salesperson who has successfully passed, within the preceding five years, a ~~((salesman))~~ salesperson 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 or duly licensed in accordance with this chapter, are exempt from the written examination requirements of this section, unless otherwise provided by rule or order of the director.

Sec. 5. Section 8, chapter 282, Laws of 1959 as amended by section 5, chapter 84, Laws of 1975 1st ex. sess. and RCW 21.20.080 are each amended to read as follows:

Registration of a broker-dealer, ((salesman)) salesperson, investment adviser ((salesman)) salesperson, or investment adviser shall be effective until March 1st of the following year and may be renewed as hereinafter provided. The registration of a ((salesman)) salesperson or investment adviser ((salesman)) salesperson is not effective during any period when the ((salesman)) salesperson is not associated with an issuer or a registered broker-dealer or when the investment adviser ((salesman)) salesperson is not associated with a registered investment adviser. To be associated with an issuer, broker-dealer or investment adviser within the meaning of this section written notice must be given to the director. When a ((salesman)) salesperson begins or terminates an association with an issuer or registered broker-dealer, the ((salesman)) salesperson and the issuer or broker-dealer shall promptly notify the director. When an investment adviser ((salesman)) salesperson begins or terminates an association with a registered investment adviser, the investment adviser ((salesman)) salesperson and registered investment adviser shall promptly notify the director.

Notwithstanding any provision of law to the contrary, the director may, from time to time, extend the duration of a licensing period for the purpose of staggering renewal periods. Such extension of a licensing period shall be by rule or regulation adopted in accordance with the provisions of chapter 34.04 RCW. Such rules and regulations may provide a method for imposing and collecting such additional proportional fee as may be required for the extended period.

Sec. 6. Section 9, chapter 282, Laws of 1959 as last amended by section 6, chapter 84, Laws of 1975 1st ex. sess. and RCW 21.20.090 are each amended to read as follows:

Registration of a broker-dealer, ((salesman)) salesperson, investment adviser ((salesman)) salesperson, or investment adviser may be renewed by filing with the director prior to the expiration thereof an application containing such information as the director may require to indicate any material change in the information contained in the original application or any renewal application for registration as a broker-dealer, ((salesman)) salesperson, investment adviser ((salesman)) salesperson, or investment adviser filed with the director by the applicant, payment of the prescribed fee, and, in the case of a broker-dealer, a financial statement showing the financial

condition of such broker-dealer as of a date within ninety days. A registered broker-dealer or investment adviser may file an application for registration of a successor, and the administrator may at his or her discretion grant or deny the application.

Sec. 7. Section 11, chapter 282, Laws of 1959 as last amended by section 7, chapter 84, Laws of 1975 1st ex. sess. and RCW 21.20.110 are each amended to read as follows:

The director may by order deny, suspend, or revoke registration of any broker-dealer, (~~(salesman)~~) salesperson, investment adviser (~~(salesman)~~) salesperson, or investment adviser if (~~(he)~~) the director finds that the order is in the public interest and that the applicant or registrant or, in the case of a broker-dealer or investment adviser, any partner, officer, or director:

(1) Has filed an application for registration under this section which, as of its effective date, or as of any date after filing in the case of an order denying effectiveness, was incomplete in any material respect or contained any statement which was, in the light of the circumstances under which it was made, false, or misleading with respect to any material fact;

(2) Has wilfully violated or wilfully failed to comply with any provision of this chapter or a predecessor act or any rule or order under this chapter or a predecessor act;

(3) Has been convicted, within the past five years, of any misdemeanor involving a security or any aspect of the securities business, or any felony involving moral turpitude;

(4) Is permanently or temporarily enjoined by any court of competent jurisdiction from engaging in or continuing any conduct or practice involving any aspect of the securities business;

(5) Is the subject of an order of the director denying, suspending, or revoking registration as a broker-dealer, (~~(salesman)~~) salesperson, investment adviser, or investment adviser (~~(salesman)~~) salesperson;

(6) Is the subject of an order entered within the past five years by the securities administrator of any other state or by the federal securities and exchange commission denying or revoking registration as a broker-dealer or (~~(salesman)~~) salesperson, or the substantial equivalent of those terms as defined in this chapter, or is the subject of an order of the federal securities and exchange commission suspending or expelling him or her from a national securities exchange or national securities association registered under the securities exchange act of 1934, or is the subject of a United States post office fraud order; but (a) the director may not institute a revocation or suspension proceeding under this clause more than one year from the date of the order relied on, and (b) (~~(he)~~) the director may not enter any order under this clause on the basis of an order unless that order was based on facts which would currently constitute a ground for an order under this section;

(7) Has engaged in dishonest or unethical practices in the securities business;

(8) Is insolvent, either in the sense that his or her liabilities exceed his or her assets or in the sense that he or she cannot meet his or her obligations as they mature; but the director may not enter an order against a broker-dealer or investment adviser under this clause without a finding of insolvency as to the broker-dealer or investment adviser; or

(9) Has not complied with a condition imposed by the director under RCW 21.20.100, or is not qualified on the basis of such factors as training, experience, or knowledge of the securities business; or

(10) The director may by order summarily postpone or suspend registration pending final determination of any proceeding under this section.

Sec. 8. Section 12, chapter 282, Laws of 1959 as amended by section 8, chapter 84, Laws of 1975 1st ex. sess. and RCW 21.20.120 are each amended to read as follows:

Upon the entry of an order under RCW 21.20.110, the director shall promptly notify the applicant or registrant, as well as the employer or prospective employer if the applicant or registrant is a ((~~salesman~~)) salesperson or investment adviser ((~~salesman~~)) salesperson, that it has been entered and of the reasons therefor and that if requested by the applicant or registrant within fifteen days after the receipt of the director's notification the matter will be promptly 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 and opportunity for hearing, may modify or vacate the order or extend it until final determination. No order may be entered under RCW 21.20.110 denying or revoking registration without appropriate prior notice to the applicant or registrant (as well as the employer or prospective employer if the applicant or registrant is a ((~~salesman~~)) salesperson or an investment adviser ((~~salesman~~)) salesperson), opportunity for hearing, and written findings of fact and conclusions of law.

Sec. 9. Section 13, chapter 282, Laws of 1959 as amended by section 9, chapter 84, Laws of 1975 1st ex. sess. and RCW 21.20.130 are each amended to read as follows:

If the director finds that any registrant or applicant for registration is no longer in existence or has ceased to do business as a broker-dealer, investment adviser, investment adviser ((~~salesman~~)) salesperson, or ((~~salesman~~)) salesperson, or is subject to an adjudication of mental incompetence or to the control of a committee, conservator, or guardian, or cannot be located after reasonable search, the director may by order cancel the registration or application.

Sec. 10. Section 10, chapter 37, Laws of 1961 as amended by section 3, chapter 77, Laws of 1974 ex sess. 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 a duly licensed (~~(salesman)~~) salesperson for an issuer or a broker-dealer, or exempt under the provisions of RCW 21.20.040, or a duly licensed broker-dealer in this state or another state at the time the alleged cause of action arose.

Sec. 11. Section 18, chapter 282, Laws of 1959 as amended by section 4, chapter 37, Laws of 1961 and RCW 21.20.180 are each amended to read as follows:

Any security for which a registration statement has been filed under the securities act of 1933 or any securities for which filings have been made pursuant to rules and regulations A and A-M pursuant to subsection (b) of Sec. 3 of said securities act in connection with the same offering may be registered by coordination. A registration statement under this section shall contain the following information and be accompanied by the following documents, in addition to payment of the registration fee prescribed in RCW 21.20.340 and, if required under RCW 21.20.330, a consent to service of process meeting the requirements of that section:

(1) One copy of the prospectus, offering circular and/or letters of notification, filed under the securities act of 1933 together with all amendments thereto;

(2) The amount of securities to be offered in this state;

(3) The states in which a registration statement or similar document in connection with the offering has been or is expected to be filed;

(4) Any adverse order, judgment or decree previously entered in connection with the offering by any court or the securities and exchange commission;

(5) If the director, by rule or otherwise, requires a copy of the articles of incorporation and bylaws (or their substantial equivalents) currently in effect, a copy of any agreements with or among underwriters, a copy of any indenture or other instrument governing the issuance of the security to be registered, and a specimen or copy of the security;

(6) If the director requests, any other information, or copies of any other documents, filed under the securities act of 1933; (~~and~~)

(7) An undertaking to forward promptly all amendments to the federal registration statement, offering circular and/or letters of notification, other than an amendment which merely delays the effective date; and

(8) If the aggregate sales price of the offering exceeds five hundred thousand dollars, audited financial statements and other financial information prepared as to form and content under rules adopted by the director.

Sec. 12. Section 20, chapter 282, Laws of 1959 and RCW 21.20.200 are each amended to read as follows:

Upon failure to receive the required notification and post-effective amendment with respect to the price amendment referred to in RCW 21.20.190, the director may enter a stop order, without notice of hearing, retroactively denying effectiveness to the registration statement or suspending its effectiveness until compliance with RCW 21.20.190, if ~~((he))~~ the director promptly notified the registrant by telephone or telegram (and promptly confirms by letter or telegram when ~~((he))~~ the director notifies by telephone) of the issuance of the order. If the registrant proves compliance with the requirements as to notice and post-effective amendment, the stop order is void as of the time of its entry. The director may by rule or otherwise waive either or both of the conditions specified in RCW 21.20.190(2) and (3). If the federal registration statement or other filing becomes effective before all these conditions are satisfied and they are not waived, the registration statement automatically becomes effective as soon as all the conditions are satisfied. If the registrant advises the director of the date when the federal registration statement or other filing is expected to become effective the director shall promptly advise the registrant by telephone or telegram, at the registrant's expense, whether all the conditions are satisfied and whether ~~((he))~~ the director then contemplates the institution of a proceeding under RCW 21.20.280 and 21.20.300; but this advice by the director does not preclude the institution of such a proceeding at any time.

Sec. 13. Section 21, chapter 282, Laws of 1959 as amended by section 1, chapter 171, Laws of 1973 1st ex. sess. and RCW 21.20.210 are each amended to read as follows:

Any security may be registered by qualification. A registration statement under this section shall contain the following information and be accompanied by the following documents, in addition to payment of the registration fee prescribed in RCW 21.20.340, and, if required under RCW 21.20.330, a consent to service of process meeting the requirements of that section:

(1) With respect to the issuer and any significant subsidiary: Its name, address, and form of organization; the state or foreign jurisdiction and date of its organization; the general character and location of its business; and a description of its physical properties and equipment.

(2) With respect to every director and officer of the issuer, or person occupying a similar status or performing similar functions: His or her name, address, and principal occupation for the past five years; the amount of securities of the issuer held by him or her as of a specified date within ninety days of the filing of the registration statement; the remuneration paid to all such persons in the aggregate during the past twelve months, and estimated to be paid during the next twelve months, directly or indirectly, by the issuer (together with all predecessors, parents and subsidiaries).

(3) With respect to any person not named in RCW 21.20.210(2), owning of record, or beneficially if known, ten percent or more of the outstanding shares of any class of equity security of the issuer: The information specified in RCW 21.20.210(2) other than his or her occupation.

(4) With respect to every promoter, not named in RCW 21.20.210(2), if the issuer was organized within the past three years: The information specified in RCW 21.20.210(2), any amount paid to ~~((him))~~ that person by the issuer within that period or intended to be paid to ~~((him))~~ that person, and the consideration for any such payment.

(5) The capitalization and long-term debt (on both a current and a pro forma basis) of the issuer and any significant subsidiary, including a description of each security outstanding or being registered or otherwise offered, and a statement of the amount and kind of consideration (whether in the form of cash, physical assets, services, patents, goodwill, or anything else) for which the issuer or any subsidiary has issued any of its securities within the past two years or is obligated to issue any of its securities.

(6) The kind and amount of securities to be offered; the amount to be offered in this state; the proposed offering price and any variation therefrom at which any portion of the offering is to be made to any persons except as underwriting and selling discounts and commissions; the estimated aggregate underwriting and selling discounts or commissions and finders' fees (including separately cash, securities, or anything else of value to accrue to the underwriters in connection with the offering); the estimated amounts of other selling expenses, and legal, engineering, and accounting expenses to be incurred by the issuer in connection with the offering; the name and address of every underwriter and every recipient of a finders' fee; a copy of any underwriting or selling group agreement pursuant to which the distribution is to be made, or the proposed form of any such agreement whose terms have not yet been determined; and a description of the plan of distribution of any securities which are to be offered otherwise than through an underwriter.

(7) The estimated cash proceeds to be received by the issuer from the offering; the purposes for which the proceeds are to be used by the issuer; the amount to be used for each purpose; the order or priority in which the proceeds will be used for the purposes stated; the amounts of any funds to be raised from other sources to achieve the purposes stated, and the sources of any such funds; and, if any part of the proceeds is to be used to acquire any property (including goodwill) otherwise than in the ordinary course of business, the names and addresses of the vendors and the purchase price.

(8) A description of any stock options or other security options outstanding, or to be created in connection with the offering, together with the amount of any such options held or to be held by every person required to be named in RCW 21.20.210(2), (3), (4), (5) or (7) and by any person who holds or will hold ten percent or more in the aggregate of any such options.

(9) The states in which a registration statement or similar document in connection with the offering has been or is expected to be filed.

(10) Any adverse order, judgment, or decree previously entered in connection with the offering by any court or the securities and exchange commission; a description of any pending litigation or proceeding to which the issuer is a party and which materially affects its business or assets (including any such litigation or proceeding known to be contemplated by governmental authorities).

(11) A copy of any prospectus or circular intended as of the effective date to be used in connection with the offering.

(12) A specimen or copy of the security being registered; a copy of the issuer's articles of incorporation and bylaws, as currently in effect; and a copy of any indenture or other instrument covering the security to be registered.

(13) A signed or conformed copy of an opinion of counsel, if available, as to the legality of the security being registered.

(14) (a) If the issuer is a commercial, industrial or extractive company in the promotional, exploratory or development stage, the following statements:

(i) Separate statements of (A) assets, (B) liabilities, and (C) capital shares, as of a date within one hundred twenty days prior to the filing of the registration statement.

(ii) A statement of cash receipts and disbursements for each of at least three full fiscal years prior to the date of the statements furnished pursuant to paragraph (i) above, and for the period, if any, between the close of the last full fiscal year and the date of such statements, or for the period of the issuer's existence if less than the period specified above.

(iii) In such statements, dollar amounts shall be extended only for cash transactions and transactions involving amounts receivable or payable in cash.

(b) If paragraph (a) does not apply to the issuer, there shall be furnished:

(i) Financial statements consisting of a balance sheet of the issuer as of a date within four months prior to the filing of the registration statement, and as of the date of the end of the last fiscal year if more than four months prior to such filing.

(ii) Statements of income, shareholders' equity, and changes in financial position for each of the three fiscal years preceding the date of the latest balance sheet and for any period between the close of the last fiscal year and the date of the latest balance sheet, or for the period of the issuer's and any predecessor's existence if less than three years.

(iii) If any part of the proceeds of the offering is to be applied to the purchase of any business whose annual sales or revenues are in excess of fifteen percent of the registrant's sales or revenues or involves acquisition of

assets in excess of fifteen percent of the registrant's assets, except as specifically exempted by the director, financial statements shall be filed which would be required if that business were the registrant.

(c) If the estimated proceeds to be received from the offering, together with the proceeds from securities registered under this section during the year preceding the date of the filing of this registration statement, exceed one hundred thousand dollars, the statements described in subsection (14)(a)(i) or ~~((14))~~(b)(i) of this section as of the date of the close of the last fiscal year and the related financial statements specified in subsections (14)(a)(ii) and ~~((14))~~(b)(ii) of this section for the last fiscal year shall be audited. For registration statements filed after December 31, 1975, and if such proceeds exceed five hundred thousand dollars, the financial statements specified in subsections (14)(a)(ii) and ~~((14))~~(b)(ii) of this section for the last two fiscal years shall be audited. For registration statements filed after December 31, 1979, and if such proceeds exceed five hundred thousand dollars, the statements described in subsection (14)(a)(i) or (b)(i) of this section as of the date of the close of the last fiscal year and the related financial statements specified in subsection (14)(a)(ii) and (b)(ii) of this section for the last fiscal year shall be audited. If such proceeds exceed seven hundred fifty thousand dollars, the financial statements specified in subsection (14)(a)(ii) and (b)(ii) of this section for the last two fiscal years shall be audited.

(d) ~~((Such))~~ The financial statements of this subsection and such other financial information as may be prescribed by the director shall be prepared as to form and content in accordance with the rules and regulations prescribed by the director, and ~~((shall be audited,))~~ as provided in paragraph (c) above, shall be audited by an independent certified public accountant who is authorized to practice under the laws of the state of Washington and who is not an employee, officer, or member of the board of directors of the issuer or a holder of the securities of the issuer. The report of such independent certified public accountant shall be based upon an audit made in accordance with generally accepted auditing standards with no limitations on its scope. The director may also verify such statements by examining the issuer's books and records.

(15) The written consent of any accountant, engineer, appraiser, attorney, or any person whose profession gives authority to a statement made by him or her, who is named as having prepared or audited any part of the registration statement or is named as having prepared or audited a report or valuation for use in connection with the registration statement.

Sec. 14. Section 23, chapter 282, Laws of 1959 as last amended by section 11, chapter 84, Laws of 1975 1st ex. sess. 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 information 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 or her (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 or her 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 may 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. 15. Section 25, chapter 282, Laws of 1959 and RCW 21.20.250 are each amended to read as follows:

The director may by rule or order require as a condition of registration by qualification or coordination (1) that any security issued within the past three years or to be issued to a promoter for a consideration substantially different from the public offering price, or to any person for a consideration other than cash, be deposited in escrow (~~((for a period not to exceed one year after termination of the offering))~~); and (2) that the proceeds from the sale of the registered security in this state be impounded until the issuer receives a specified amount from the sale of the security either in this state or elsewhere. The director may by rule or order determine the conditions of any escrow or impounding required hereunder but ~~((he))~~ the director may not reject a depository solely because of location in another state.

Sec. 16. Section 12, chapter 77, Laws of 1974 ex. sess. and RCW 21.20.275 are each amended to read as follows:

The director may in his or her 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.

Sec. 17. Section 28, chapter 282, Laws of 1959 as amended by section 15, chapter 84, Laws of 1975 1st ex. sess. and RCW 21.20.280 are each amended to read as follows:

The director may issue a stop order denying effectiveness to, or suspending or revoking the effectiveness of, any registration statement if ~~((he))~~ the director finds that the order is in the public interest and that:

(1) The registration statement as of its effective date or as of any earlier date in the case of an order denying effectiveness, is incomplete in any material respect or contains any statement which was, in the light of the circumstances under which it was made, false or misleading with respect to any material fact;

(2) Any provision of this chapter or any rule, order, or condition lawfully imposed under this chapter has been wilfully violated, in connection with the offering by (a) the person filing the registration statement, (b) the issuer, any partner, officer, or director of the issuer, any person occupying a similar status or performing similar functions, or any person directly or indirectly controlling or controlled by the issuer, but only if the person filing the registration statement is directly or indirectly controlled by or acting for the issuer, or (c) any underwriter;

(3) The security registered or sought to be registered is the subject of a permanent or temporary injunction of any court of competent jurisdiction entered under any other federal or state act applicable to the offering; but (a) the director may not institute a proceeding against an effective registration statement under this clause more than one year from the date of the injunction ~~((relief))~~ relied on, and (b) ~~((he))~~ the director may not enter an order under this clause on the basis of an injunction entered under any other state act unless that order or injunction was based on facts which would currently constitute a ground for a stop order under this section;

(4) The issuer's enterprise or method of business includes or would include activities which are illegal where performed;

(5) The offering has worked or tended to work a fraud upon purchasers or would so operate;

(6) When a security is sought to be registered by coordination, there has been a failure to comply with the undertaking required by RCW 21.20.180(7), or

(7) The applicant or registrant has failed to pay the proper registration fee; but the director may enter only a denial order under this subsection and ~~((he))~~ shall vacate any such order when the deficiency has been corrected;

(8) The offering has been or would be made with unreasonable amounts of underwriters' and sellers' discounts, commissions, or compensation or promoters' profits or participation, or unreasonable amounts or kinds of options.

Sec. 18. Section 29, chapter 282, Laws of 1959 and RCW 21.20.290 are each amended to read as follows:

The director may not enter a stop order against an effective registration statement on the basis of a fact or transaction known to ~~((him))~~ the director when the registration statement became effective.

Sec. 19. Section 30, chapter 282, Laws of 1959 and RCW 21.20.300 are each amended to read as follows:

Upon the entry of a stop order under any part of RCW 21.20.280, the director shall promptly notify the issuer of the securities and the applicant or registrant that the order has been entered and of the reasons therefor and that within fifteen days after the receipt of a written request the matter will be set down for hearing. If no hearing is requested within fifteen days and none is ordered by the director, the director shall enter ~~((his))~~ written findings of fact and conclusions of law and the order will remain in effect until it is modified or vacated by the director. If a hearing is requested or ordered, the director, after notice of and opportunity for hearings to the issuer and to the applicant or registrant, shall enter ~~((his))~~ written findings of fact and conclusions of law and may modify or vacate the order. The director may modify or vacate a stop order if ~~((he))~~ the director finds that the conditions which prompted its entry have changed or that it is otherwise in the public interest to do so.

Sec. 20. Section 1, chapter 8, Laws of 1979 as amended by section 4, chapter 130, Laws of 1979 and RCW 21.20.310 are each amended to read as follows:

RCW 21.20.140 through 21.20.300, inclusive, shall not apply to any of the following securities:

(1) Any security (including a revenue obligation) issued or guaranteed by the United States, any state, any political subdivision of a state, or any agency or corporate or other instrumentality of one or more of the foregoing; or any certificate of deposit for any of the foregoing; but this exemption shall not include any security payable solely from revenues to be received from a nongovernmental industrial or commercial enterprise unless such payments shall be made or unconditionally guaranteed by a person whose securities are exempt from registration by subsections (7) or (8) of this section.

(2) Any security issued or guaranteed by Canada, any Canadian province, any political subdivision of any such province, any agency or corporate or other instrumentality of one or more of the foregoing, or any other foreign government with which the United States currently maintains diplomatic relations, if the security is recognized as a valid obligation by the issuer or guarantor; but this exemption shall not include any security payable solely from revenues to be received from a nongovernmental industrial or commercial enterprise unless such payments shall be made or unconditionally guaranteed by a person whose securities are exempt from registration by subsections (7) or (8) of this section.

(3) Any security issued by and representing an interest in or a debt of, or guaranteed by, any bank organized under the laws of the United States, or any bank or trust company organized or supervised under the laws of any state.

(4) Any security issued by and representing an interest in or a debt of, or guaranteed by, any federal savings and loan association, or any building and loan or similar association organized under the laws of any state and authorized to do business in this state.

(5) Any security issued by and representing an interest in or a debt of, or guaranteed by, any insurance company organized under the laws of this state and authorized to do and actually doing business in this state.

(6) Any security issued or guaranteed by any federal credit union or any credit union, industrial loan association, or similar association organized and supervised under the laws of this state.

(7) Any security issued or guaranteed by any railroad, other common carrier, public utility, or holding company which is (a) subject to the jurisdiction of the interstate commerce commission; (b) a registered holding company under the public utility holding company act of 1935 or a subsidiary of such a company within the meaning of that act; (c) regulated in respect of its rates and charges by a governmental authority of the United States or any state or municipality; or (d) regulated in respect of the issuance or guarantee of the security by a governmental authority of the United States, any state, Canada, or any Canadian province; also equipment trust certificates in respect of equipment conditionally sold or leased to a railroad or public utility, if other securities issued by such railroad or public utility would be exempt under this subsection.

(8) Any security (~~listed or approved for listing upon notice of issuance on the New York stock exchange, the American stock exchange, the Midwest stock exchange, the Spokane stock exchange or any other stock exchange registered with the federal securities and exchange commission and approved by the director; any other security of the same issuer which is of senior or substantially equal rank; any security called for by subscription rights or warrants so listed or approved; or any warrant or right to purchase or subscribe to any of the foregoing. The director shall have power at any time by written order to withdraw the exemption so granted as to any particular security~~) which meets the criteria for investment grade securities that the director may adopt by rule.

(9) Any commercial paper which arises out of a current transaction or the proceeds of which have been or are to be used for current transaction, and which evidences an obligation to pay cash within nine months of the date of issuance, exclusive of days of grace, or any renewal of such paper which is likewise limited, or any guarantee of such paper or of any such renewal, when such commercial paper is sold to the banks or insurance companies.

(10) Any investment contract issued in connection with an employee's stock purchase, savings, pension, profit-sharing, or similar benefit plan if the director is notified in writing thirty days before the inception of the plan or, with respect to plans which are in effect on June 10, 1959, within sixty days thereafter (or within thirty days before they are reopened if they are closed on June 10, 1959).

(11) Any security issued by any person organized and operated as a nonprofit organization as defined in RCW 84.36.800(4) exclusively for religious, educational, ~~((and))~~ or charitable purposes and which nonprofit organization also possesses a current tax exempt status under the laws of the United States, which security is offered or sold only to persons who, prior to their solicitation for the purchase of said securities, were members of, contributors to, or listed as participants in, the organization, or their relatives, if such nonprofit organization first files a notice specifying the terms of the offering and the director does not by order disallow the exemption within the next ten full business days: PROVIDED, That no offerings shall be made until expiration of the ten full business days. Every such nonprofit organization which files a notice of exemption of such securities shall pay a filing fee as set forth in RCW 21.20.340(12) as now or hereafter amended.

The notice shall consist of the following:

- (a) The name and address of the issuer;
- (b) The names, addresses, and telephone numbers of the current officers and directors of the issuer;
- (c) A short description of the security, price per security, and the number of securities to be offered;
- (d) A statement of the nature and purposes of the organization as a basis for the exemption under this section;
- (e) A statement of the proposed use of the proceeds of the sale of the security; and
- (f) A statement that the issuer shall provide to a prospective purchaser written information regarding the securities offered prior to consummation of any sale, which information shall include the following statements: (i) "ANY PROSPECTIVE PURCHASER IS ENTITLED TO REVIEW FINANCIAL STATEMENTS OF THE ISSUER WHICH SHALL BE FURNISHED UPON REQUEST."; (ii) "RECEIPT OF NOTICE OF EXEMPTION BY THE WASHINGTON ADMINISTRATOR OF SECURITIES DOES NOT SIGNIFY THAT THE ADMINISTRATOR HAS APPROVED OR RECOMMENDED THESE SECURITIES, NOR HAS THE ADMINISTRATOR PASSED UPON THE OFFERING. ANY REPRESENTATION TO THE CONTRARY IS A CRIMINAL OFFENSE."; and (iii) "THE RETURN OF THE FUNDS OF THE PURCHASER IS DEPENDENT UPON THE FINANCIAL CONDITION OF THE ORGANIZATION."

(12) Any charitable gift annuities issued by a board of a state university, regional university, or of the state college.

(13) Any charitable gift annuity issued by an insurer or institution holding a certificate of exemption under (~~section 6 of this 1979 act~~) RCW 48.—.— (section 6, chapter 130, Laws of 1979).

Sec. 21. Section 32, chapter 282, Laws of 1959 as last amended by section 2, chapter 172, Laws of 1977 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, 21.20.050, 21.20.060, 21.20.070, 21.20.080, 21.20.090, 21.20.100, 21.20.110, 21.20.120, 21.20.130, 21.20.135, 21.20.140, 21.20.180, 21.20.190, 21.20.200, 21.20.210, 21.20.220, 21.20.230, 21.20.240, 21.20.250, 21.20.260, 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; or any transaction effected in accordance with any rule by the director establishing a nonpublic offering exemption pursuant to this subsection where registration is not necessary or appropriate in the public interest or for the protection of investors. Every person filing notification of claim of this exemption in accordance with any rule by the director shall pay a filing fee as set forth in RCW 21.20.340(11).

(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 limited offers and sales by closely-held issuers effected in accordance with any rule by the director establishing a limited offering exemption pursuant to this subsection where there is no general or public advertising or solicitation and no commission or other remuneration is paid or given directly or indirectly in connection with sales of securities. Every person filing notification of claim of this exemption in accordance with any rule by the director shall pay a filing fee as set forth in RCW 21.20.340(11).

(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 RCW 21.20.040, 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. 22. Section 3, chapter 199, Laws of 1967 as last amended by section 14, chapter 130, Laws of 1979 and RCW 21.20.325 are each amended to read as follows:

The director or administrator may by order deny, revoke, or condition any exemption specified in subsections (10), (11), (12) or (13) of RCW 21.20.310 or in RCW 21.20.320, as now or hereafter amended, 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, 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 or she sustains the burden of proof that he or she did not know, and in the exercise of reasonable care could not have known, of the order.

Sec. 23. Section 33, chapter 282, Laws of 1959 as amended by section 19, chapter 84, Laws of 1975 1st ex. sess. and RCW 21.20.330 are each amended to read as follows:

Every applicant for registration as a broker-dealer, investment adviser, investment adviser (~~((salesman))~~ salesperson, or (~~((salesman))~~ salesperson under this chapter and every issuer which proposes to offer a security in this state through any person acting on an agency basis in the common law sense shall file with the director, in such form as (~~((he))~~ the director by rule prescribes, an irrevocable consent appointing the director or (~~((his))~~ the director's successor in office to be the attorney of the applicant to receive service of any lawful process in any noncriminal suit, action, or proceeding against the applicant (~~((or-it))~~ or (~~((his))~~ the applicant's successor, executor or administrator which arises under this chapter or any rule or order hereunder after the consent has been filed, with the same force and validity as if served personally on the person filing the consent. A person who has filed such a consent in connection with a previous registration need not file another. Service may be made by leaving a copy of the process in the office of the director, but it is not effective unless (1) the plaintiff, who may be the director in a suit, action, or proceeding instituted by him or her, forthwith sends notice of the service and a copy of the process by registered mail to

the defendant or respondent at ~~((it or his))~~ the last address of the respondent or defendant on file with the director, and (2) the plaintiff's affidavit of compliance with this section is filed in the case on or before the return day of the process, if any, or within such further time as the court allows.

Sec. 24. Section 34, chapter 282, Laws of 1959 as last amended by section 3, chapter 172, Laws of 1977 ex. sess. and by section 4, chapter 188, Laws of 1977 ex. sess. and RCW 21.20.340 are each amended and reenacted 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 one hundred 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 during that year: PROVIDED, HOWEVER, That an issuer may upon the payment of a fifty dollar fee renew for one additional twelve month period only the unsold portion for which the registration fee has been paid.

(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 one hundred 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 fifty 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 initial filing fee shall be one hundred dollars for ~~((initial filing fee))~~ the first one hundred thousand dollars of initial issue, or portion thereof in this state, based on offering price, plus one-fortieth of one percent for any excess over one hundred thousand dollars for the first twelve month period plus one hundred dollars for each additional twelve months in which the same offering is continued.

(4) For filing annual financial statements, the fee shall be twenty-five dollars.

(5) For filing an amended offering circular after the initial registration permit has been granted the fee shall be ten dollars.

(6) For registration of a broker-dealer or investment adviser, the fee shall be one hundred fifty dollars for original registration and ~~((fifty))~~ seventy-five dollars for each annual renewal. When an application is denied or withdrawn the director shall retain one-half of the fee.

(7) For registration of a ~~((salesman))~~ salesperson or investment adviser ~~((salesman))~~ salesperson, the fee shall be ~~((twenty-five))~~ thirty-five dollars for original registration with each employer and fifteen dollars for each annual renewal. When an application is denied or withdrawn the director shall retain one-half of the fee.

(8) For written examination for registration as a ~~((salesman))~~ salesperson or investment adviser ~~((salesman))~~ salesperson, the fee shall be fifteen dollars. For examinations for registration as a broker-dealer or investment adviser, the fee shall be fifty dollars.

(9) 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 one hundred fifty dollars and for a ~~((salesman))~~ salesperson or investment adviser ~~((salesman))~~ salesperson shall be ~~((twenty-five))~~ thirty dollars. Acceptance by the director of an application for renewal after March 5 shall not be a waiver of delinquency. If a late license renewal has not been filed by May 31, the license will be automatically considered canceled. For reinstatement of a salesperson or investment adviser salesperson's license after cancellation, the fee shall be fifty dollars. For reinstatement of a broker-dealer or investment adviser's license after cancellation, the fee shall be two hundred dollars.

(10) (a) For the transfer of a broker-dealer license to a successor, the fee shall be ~~((twenty-five))~~ fifty dollars.

(b) For the transfer of a ~~((salesman))~~ salesperson license from a broker-dealer or issuer to another broker-dealer or issuer, the transfer fee shall be ~~((fifteen))~~ twenty-five dollars.

(c) For the transfer of an investment adviser ~~((salesman))~~ salesperson license from an investment adviser to another investment adviser, the transfer fee shall be ~~((fifteen))~~ twenty-five dollars.

(d) For the transfer of an investment adviser license to a successor, the fee shall be ~~((twenty-five))~~ fifty dollars.

(11) For the filing of notification of claim of exemption from registration pursuant to RCW 21.20.320(1), the fee shall be three hundred dollars for each filing. For the filing of notification of claim of exemption pursuant to RCW 21.20.320(9), the fee shall be fifty dollars for each filing.

(12) For filing of notification of claim of exemption from registration pursuant to RCW 21.20.310(11), as now or hereafter amended, the fee shall be fifty dollars for each filing.

~~((+2))~~ (13) For rendering interpretative opinions, the fee shall be thirty-five dollars.

~~((+3))~~ (14) For certified copies of any documents filed with the director, the fee shall be the cost to the department.

(15) For a duplicate license the fee shall be five dollars.

All fees collected under this chapter shall be turned in to the state treasury and shall not be refundable, except as herein provided.

Sec. 25. Section 37, chapter 282, Laws of 1959 as amended by section 2, chapter 171, Laws of 1973 1st ex. sess. and RCW 21.20.370 are each amended to read as follows:

The director in his or her discretion (1) may annually, or more frequently, make such public or private investigations within or without this state as ~~((he))~~ the director deems necessary to determine whether any registration should be granted, denied or revoked or whether any person has violated or is about to violate any provision of this chapter or any rule or order hereunder, or to aid in the enforcement of this chapter or in the prescribing of rules and forms hereunder, (2) may require or permit any person to file a statement in writing, under oath or otherwise as the director may determine, as to all the facts and circumstances concerning the matter to be investigated, and (3) shall publish information concerning any violation of this chapter or any rule or order hereunder.

Sec. 26. Section 38, chapter 282, Laws of 1959 as last amended by section 22, chapter 84, Laws of 1975 1st ex. sess. 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))~~ the director 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.

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))~~ the witness 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.

Sec. 27. Section 39, chapter 282, Laws of 1959 as last amended by section 23, chapter 84, Laws of 1975 1st ex. sess. 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))~~ the director may in his or her 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. If the director prevails, ~~((he))~~ the director shall be entitled to a reasonable attorney's fee to be fixed by the court.

(3) Whenever it appears to the director that any person who has received a permit to issue, sell or otherwise dispose of securities under this chapter, whether current or otherwise, has become insolvent, the director may petition a court of competent jurisdiction to appoint a receiver or conservator for the defendant or the defendant's assets. The director may not be required to post a bond.

(4) The director may include in any action authorized by subsection (2) of this section a claim for restitution or damages on behalf of the persons injured by the act or practice constituting the subject matter of the action. The court shall have the power to award appropriate relief to such persons, if the court finds that enforcement of the rights of such persons by private civil action, whether by class action or otherwise, would be so burdensome or expensive as to be impractical.

Sec. 28. Section 40, chapter 282, Laws of 1959 as amended by section 5, chapter 17, Laws of 1965 and RCW 21.20.400 are each amended to read as follows:

Any person who wilfully violates any provision of this chapter except RCW 21.20.350, or who wilfully violates any rule or order under this chapter, or who wilfully violates RCW 21.20.350 knowing the statement made to be false or misleading in any material respect, shall upon conviction be fined not more than five thousand dollars or imprisoned not more than ten years, or both; but no person may be imprisoned for the violation of any rule or order if ~~((he))~~ that person proves that he or she had no knowledge of the rule or order. No indictment or information may be returned under this chapter more than five years after the alleged violation.

Sec. 29. Section 41, chapter 282, Laws of 1959 and RCW 21.20.410 are each amended to read as follows:

The director may refer such evidence as may be available concerning violations of this chapter or of any rule or order hereunder to the attorney general or the proper prosecuting attorney, who may in his or her discretion,

with or without such a reference, institute the appropriate criminal proceedings under this chapter.

Sec. 30. Section 43, chapter 282, Laws of 1959 as last amended by section 4, chapter 172, Laws of 1977 ex. sess. 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 21.20.010 or 21.20.140 through 21.20.230, is liable to the person buying the security from him or her, who may sue either at law or in equity to recover the consideration paid for the security, together with interest at eight 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 or she 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 eight percent per annum from the date of disposition.

(2) Any person who buys a security in violation of the provisions of RCW 21.20.010 is liable to the person selling the security to him or her, who may sue either at law or in equity to recover the security, together with any income received on the security, upon tender of the consideration received, costs, and reasonable attorneys' fees, or if the security cannot be recovered, for damages. Damages are the value of the security when the buyer disposed of it, and any income received on the security, less the consideration received for the security, plus interest at eight percent per annum from the date of disposition, costs, and reasonable attorneys' fees.

(3) Every person who directly or indirectly controls a seller or buyer liable under subsection (1) or (2) above, every partner, officer, director or person who occupies a similar status or performs a similar function of such seller or buyer, every employee of such a seller or buyer who materially aids in the transaction, and every broker-dealer, (~~salesman~~) salesperson, or person exempt under the provisions of RCW 21.20.040 who materially aids in the transaction is also liable jointly and severally with and to the same extent as the seller or buyer, unless such person sustains the burden of proof that he or she 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.

(4) (a) Every cause of action under this statute survives the death of any person who might have been a plaintiff or defendant.

(b) No person may sue under this section more than three years after the contract of sale for any violation of the provisions of RCW 21.20.140 through 21.20.230, or more than three years after a violation of the provisions of RCW 21.20.010, either was discovered by such person or would have been discovered by him or her in the exercise of reasonable care. No

person may sue under this section if the buyer or seller receives a written rescission offer, which has been passed upon by the director before suit and at a time when he or she owned the security, to refund the consideration paid together with interest at eight percent per annum from the date of payment, less the amount of any income received on the security in the case of a buyer, or plus the amount of income received on the security in the case of a seller.

(5) 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.

(6) Any tender specified in this section may be made at any time before entry of judgment.

Sec. 31. Section 13, chapter 77, Laws of 1974 ex. sess. and RCW 21.20.435 are each amended 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 or her 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.

Sec. 32. Section 44, chapter 282, Laws of 1959 and RCW 21.20.440 are each amended to read as follows:

Any person aggrieved by a final order of the director may obtain a review of the order in the county in which ~~((he))~~ that person resides or in any other court of competent jurisdiction by filing in court, within sixty days after the entry of the order, a written petition praying that the order be modified or set aside in whole or in part. A copy of the petition shall be forthwith served upon the director, and thereupon the director shall certify and file in court a copy of the filing, testimony, and other evidence upon which the order was entered. When these have been filed, the court has exclusive jurisdiction to affirm, modify, enforce, or set aside the order, in whole or in part. No objection to the order may be considered by the court unless it was urged before the director or there were reasonable grounds for failure to do so. The findings of the director as to the facts, if supported by substantial evidence, are conclusive. If either party applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the

court that the additional evidence is material and that there were reasonable grounds for failure to adduce the evidence in the hearing before the director, the court may order the additional evidence to be taken before the director and to be adduced upon the hearing in such manner and upon such conditions as the court may consider proper. The director may modify his or her findings (~~as the facts;~~) by reason of the additional evidence so taken; and ~~((he))~~ the director shall file any modified or new findings, which if supported by substantial evidence shall be conclusive, and any recommendation for the modification or setting aside of the original order. The commencement of proceedings under this ~~((action-[section]))~~ section does not, unless specifically ordered by the court, operate as a stay of the director's order.

Sec. 33. Section 45, chapter 282, Laws of 1959 as last amended by section 86, chapter 158, Laws of 1979 and RCW 21.20.450 are each amended to read as follows:

The administration of the provisions of this chapter shall be under the department of licensing. The director may from time to time make, amend, and rescind such rules and forms as are necessary to carry out the provisions of this chapter, including rules defining any term, whether or not such term is used in the Washington securities law. The director may classify securities, persons, and matters within ~~((his))~~ the director's jurisdiction, and prescribe different requirements for different classes. No rule or form, may be made unless the director finds that the action is necessary or appropriate in the public interest or for the protection of investors and consistent with the purposes fairly intended by the policy and provisions of this chapter. In prescribing rules and forms the director may cooperate with the securities administrators of the other states and the securities and exchange commission with a view to effectuating the policy of this statute to achieve maximum uniformity in the form and content of registration statements, applications, and reports wherever practicable. All rules and forms of the director shall be published.

Sec. 34. Section 47, chapter 282, Laws of 1959 as amended by section 64, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 21.20.470 are each amended to read as follows:

The administrator, and any person employed by ~~((him))~~ the administrator, shall be paid, in addition to regular compensation, travel expenses incurred by each of them in the performance of their duties under this chapter in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

Sec. 35. Section 48, chapter 282, Laws of 1959 and RCW 21.20.480 are each amended to read as follows:

It is unlawful for the director or any of ~~((his))~~ the director's officers or employees to use for personal benefit any information which is filed with or obtained by the director and which is not made public. The director or any

of ~~((his))~~ the director's officers or employees shall not disclose any such information or the fact that any investigation is being made except among themselves or when necessary or appropriate in a proceeding or investigation under this chapter. No provision of this chapter either creates or derogates from any privilege which exists at common law or otherwise when documentary or other evidence is sought under a subpoena directed to the director or any of ~~((his))~~ the director's officers or employees.

Sec. 36. Section 50, chapter 282, Laws of 1959 and RCW 21.20.500 are each amended to read as follows:

Every hearing in an administrative proceeding shall be public unless the director in his or her discretion grants a request joined in by all the respondents that the hearing be conducted privately.

Sec. 37. Section 52, chapter 282, Laws of 1959 and RCW 21.20.520 are each amended to read as follows:

Upon request and at such reasonable charges as ~~((he))~~ the director prescribes, the director shall furnish to any person photostatic or other copies (certified under his seal of office if requested) of any entry in the register or any document which is a matter of public record. In any proceeding or prosecution under this chapter, any copy so certified is prima facie evidence of the contents of the entry or document certified.

Sec. 38. Section 53, chapter 282, Laws of 1959 and RCW 21.20.530 are each amended to read as follows:

The director in his or her discretion may honor requests from interested persons for interpretative opinions.

Sec. 39. Section 56, chapter 282, Laws of 1959 as amended by section 4, chapter 171, Laws of 1973 1st ex. sess. and RCW 21.20.560 are each amended to read as follows:

(1) The committee shall select a ~~((chairman))~~ chairperson and a secretary from their group.

(2) Regular meetings may be held quarterly, or semiannually, and special meetings may be called by the ~~((chairman))~~ chairperson upon at least seven days' written notice to each committee member sent by regular mail.

Sec. 40. Section 58, chapter 282, Laws of 1959 and RCW 21.20.580 are each amended to read as follows:

The advisory committee shall:

(1) Serve in an advisory capacity to the director on all matters pertaining to this chapter.

(2) Acquaint themselves fully with the operations of the director's office as to the administration of securities, broker-dealers, ~~((salesmen))~~ salespersons, and investment advisers, and periodically recommend to the director such changes in the rules and regulations of the department in connection therewith as they deem advisable.

(3) Prepare and publish a mimeographed report on their recommendations.

(4) Appoint three of their members to act as an examining committee. All examinations required by this chapter shall be conducted in the manner provided in chapter 43.24 RCW. The examining committee shall be subject to the provisions of chapter 43.24 RCW unless otherwise provided by this chapter.

Sec. 41. Section 9, chapter 171, Laws of 1973 1st ex. sess. as amended by section 87, chapter 158, Laws of 1979 and RCW 21.20.720 are each amended to read as follows:

(1) A director or officer of a debenture company shall not:

(a) Have any interest, direct or indirect, in the gains or profits of the debenture company, except to receive dividends upon the amounts contributed by him or her, the same as any other depositor or shareholder and under the same regulations and conditions: PROVIDED, That nothing in this subsection shall be construed to prohibit salaries as may be approved by the debenture company's board of directors;

(b) Become a member of the board of directors or a controlling shareholder of another debenture company or a bank, trust company, or national banking association, of which board enough other directors or officers of the debenture company are members so as to constitute with him or her a majority of the board of directors.

(2) Neither a director nor an officer shall:

(a) For himself or herself or as agent or partner of another, directly or indirectly use any of the funds held by the debenture company, except to make such current and necessary payments as are authorized by the board of directors;

(b) Receive directly or indirectly and retain for his or her own use any commission on or benefit from any loan made by the debenture company, or any pay or emolument for services rendered to any borrower from the debenture company in connection with such loan;

(c) Become an indorser, surety, or guarantor, or in any manner an obligor, for any loan made from the debenture company and except when approval has been given by the director of licensing or ~~((his))~~ the director's administrator of securities upon recommendation by the company's board of directors.

(d) For himself or herself or as agent or partner of another, directly or indirectly borrow any of the funds held by the debenture company, or become the owner of real property upon which the debenture company holds a mortgage. A loan to or a purchase by a corporation in which he or she is a stockholder to the amount of fifteen percent of the total outstanding stock, or in which he or she and other directors or officers of the debenture company hold stock to the amount of twenty-five percent of the total outstanding stock, shall be deemed a loan to or a purchase by such director or officer

within the meaning of this section, except when the loan to or purchase by such corporation occurred without his or her knowledge or against his or her protest.

Sec. 42. Section 11, chapter 171, Laws of 1973 1st ex. sess. and RCW 21.20.740 are each amended to read as follows:

(1) Every issuer which has registered securities under Washington state securities law shall file with the director reports described in subsection (2) of this section. Such reports shall be filed with the director not more than one hundred twenty days (unless extension of time is granted by the director) after the end of the issuer's fiscal year.

(2) The reports required by subsection (1) of this section shall contain such information, statements and documents regarding the financial and business conditions of the issuer and the number and description of securities of the issuer held by its officers, directors and controlling shareholders and shall be in such form and filed at such annual times as the director may require by rule or order. For the purposes of RCW 21.20.720, 21.20.740 and 21.20.745, a "controlling shareholder" shall mean a person who is directly or indirectly the beneficial holder of more than ten percent of the outstanding voting securities of an issuer.

(3) (a) The reports described in subsection (2) of this section shall include financial statements corresponding to those required under the provisions of RCW 21.20.210 and to the issuer's fiscal year setting forth in comparative form the corresponding information for the preceding year and such financial statements shall be furnished to all shareholders within one hundred twenty days (unless extension of time is granted by the director) after the end of such year, but at least twenty days prior to the date of the annual meeting of shareholders.

(b) Such financial statements shall be prepared as to form and content in accordance with rules and regulations prescribed by the director and shall be audited (except that financial statements filed prior to July 1, 1976 need be audited only as to the most recent fiscal year) by an independent certified public accountant who is not an employee, officer or member of the board of directors of the issuer or a holder of securities of the issuer. The report of such independent certified public accountant shall be based upon an audit made in accordance with generally accepted auditing standards with no limitations on its scope.

(4) The director may by rule or order exempt any issuer or class of issuers from this section for a period of up to one year if ~~((he))~~ the director finds that the filing of any such report by a specific issuer or class of issuers is not necessary for the protection of investors and the public interest.

(5) For the purposes of RCW 21.20.740 and 21.20.745, "issuer" does not include issuers of:

(a) Securities registered by the issuer pursuant to section 12 of the securities and exchange act of 1934 as now or hereafter amended or exempted

from registration under that act on a basis other than the number of shareholders and total assets.

(b) Securities which are held of record by less than two hundred persons or whose total assets are less than \$500,000 at the close of the issuer's fiscal year.

(6) Any issuer who has been required to file under RCW 21.20.740 and who subsequently becomes excluded from the definition of "issuer" by virtue of RCW 21.20.740(5) must file a certification setting forth the basis on which they claim to no longer be an issuer within the meaning of this act.

(7) The reports filed under this section shall be filed and maintained by the director for public inspection. Any person is entitled to receive copies thereof from the director upon payment of the reasonable costs of duplication.

(8) Filing of reports pursuant to this section shall not constitute an approval thereof by the director or a finding by the director that the report is true, complete and not misleading. It shall be unlawful to make, or cause to be made, to any prospective purchaser, seller, customer or client, any representation inconsistent with this subsection.

Sec. 43. Section 12, chapter 171, Laws of 1973 1st ex. sess. and RCW 21.20.745 are each amended to read as follows:

(1) It is unlawful for any person, including the officers and directors of any issuer, to fail to file a report required by RCW 21.20.740 or to file any such report which contains an untrue statement of a material fact or an omission to state a material fact necessary in order to make the statements made, in light of the circumstances under which they are made, not misleading unless such person did not know, and in the exercise of reasonable care could not have known, of the failure, untruth or omission. In addition to any other penalties or remedies provided by chapter 21.20 RCW, each officer and director of an issuer which violates this subsection shall be personally liable for damages as provided in subsection (2) of this section if such officer or director:

(a) Had actual notice of the issuer's duty to file reports;

(b) Knew, or in the exercise of reasonable care could have known of the violation; and

(c) Could have prevented the violation.

(2) Any issuer and other person who violate subsection (1) of this section shall be liable jointly and severally for the damages occasioned by such violation, together with reasonable attorney fees and costs to any person who, during the continuation of the violation and without actual notice of the violation, purchases or sells any securities of the issuer within six months following the date the violation commenced.

(3) No suit or action may be commenced under subsection (2) of this section more than one year after the purchase or sale.

(4) Any person held liable under this section shall be entitled to contribution from those jointly and severally liable with ((him)) that person.

Sec. 44. Section 64, chapter 282, Laws of 1959 and RCW 21.20.915 are each amended to read as follows:

All effective registrations under prior law and all conditions imposed upon such registrations remain in effect so long as they would have remained in effect if they had become effective under this chapter. They are considered to have been filed, entered, or imposed under this chapter. All dealers who are duly registered as brokers and all ((salesmen)) salespersons and issuers' agents who are duly registered as agents under said securities act, mining act or oil and mining leases act, on the effective date of this chapter shall be deemed to be duly registered under and subject to the provisions of this chapter, such registration to expire on the 30th day of June of the year in which this chapter becomes effective and to be subject to renewal as provided in this chapter.

NEW SECTION. Sec. 45. Section 27, chapter 84, Laws of 1975 1st ex. sess. and RCW 21.20.235 are each repealed.

Passed the Senate April 17, 1979.

Passed the House April 11, 1979.

Approved by the Governor April 26, 1979.

Filed in Office of Secretary of State April 26, 1979.

CHAPTER 69

[Senate Bill No. 2354]

HIGHWAY CONSTRUCTION CONTRACTS—BID NOTICE

AN ACT Relating to highway construction contracts; and amending section 47.28.050, chapter 13, Laws of 1961 as last amended by section 1, chapter 65, Laws of 1977 and RCW 47.28.050.

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

Section 1. Section 47.28.050, chapter 13, Laws of 1961 as last amended by section 1, chapter 65, Laws of 1977 and RCW 47.28.050 are each amended to read as follows:

Except as may be provided by rules and regulations adopted under RCW 47.28.030 as now or hereafter amended the ((Washington state highway commission)) department of transportation shall publish a call for bids for the construction of the highway according to the maps, plans, and specifications, once a week for at least two consecutive weeks, next preceding the day set for receiving and opening the bids, in not less than one trade paper of general circulation in the state. The call shall state the time, place, and date for receiving and opening the bids, give a brief description of the location and extent of the work, and contain such special provisions or

specifications as the ((commission)) department deems necessary: PROVIDED, That when the estimated cost of any contract to be awarded is less than ((twenty-five)) fifty thousand dollars, the call for bids need only be published in at least one paper of general circulation in the county where the major part of the work is to be performed: PROVIDED FURTHER, That when the estimated cost of a contract to be awarded is seven thousand five hundred dollars or less, including the cost of materials, supplies, engineering, and equipment, the ((state highway commission)) department of transportation need not publish a call for bids: PROVIDED FURTHER, That after a bid call has been advertised for two consecutive weeks it may be postponed and the bids opened one week later.

Passed the Senate April 17, 1979.

Passed the House April 11, 1979.

Approved by the Governor April 26, 1979.

Filed in Office of Secretary of State April 26, 1979.

CHAPTER 70

[Engrossed Senate Bill No. 2362]

RESIDENTIAL PROPERTY RENTAL—CONDOMINIUM STATUS, CHILD EXCLUSION POLICY—TERMINATION NOTICE

AN ACT Relating to the termination notice required to tenants in the rental of residential property; and amending section 20, chapter 207, Laws of 1973 1st ex. sess. and RCW 59.18.200.

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

Section 1. Section 20, chapter 207, Laws of 1973 1st ex. sess. and RCW 59.18.200 are each amended to read as follows:

(1) When premises are rented for an indefinite time, with monthly or other periodic rent reserved, such tenancy shall be construed to be a tenancy from month to month, or from period to period on which rent is payable, and shall be terminated by written notice of twenty days or more, preceding the end of any of said months or periods, given by either party to the other.

(2) Whenever a landlord plans to change any apartment or apartments to a condominium form of ownership or plans to change to a policy of excluding children, the landlord shall give a written notice to a tenant at least ninety days before termination of the tenancy to effectuate such change in policy. Such ninety-day notice shall be in lieu of the notice required by subsection (1) of this section: PROVIDED, That if after giving the ninety-day notice the change in policy is delayed, the notice requirements of subsection (1) of this section shall apply unless waived by the tenant.

Passed the Senate April 17, 1979.

Passed the House April 4, 1979.

Approved by the Governor April 26, 1979.

Filed in Office of Secretary of State April 26, 1979.

CHAPTER 71

[Senate Bill No. 2398]

STATE OFFICERS AND EMPLOYEES—ADVANCE EXPENSE
DEFRAYMENT—LOST WARRANT REPLACEMENT

AN ACT Relating to state government; amending section 8, chapter 16, Laws of 1967 ex. sess. and RCW 43.03.170; amending section 10, chapter 16, Laws of 1967 ex. sess. and RCW 43.03.190; amending section 43.08.064, chapter 8, Laws of 1965 as last amended by section 2, chapter 77, Laws of 1975-'76 2nd ex. sess. and RCW 43.08.064; and amending section 43.08.066, chapter 8, Laws of 1965 as last amended by section 1, chapter 74, Laws of 1972 ex. sess. and RCW 43.08.066.

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

Section 1. Section 8, chapter 16, Laws of 1967 ex. sess. and RCW 43.03.170 are each amended to read as follows:

The head of any state department may issue an advance warrant on the request of any officer or employee for the purpose of defraying his anticipated reimbursable expenses while traveling on business of such state department away from his designated post of duty, except expenses in connection with the use of a personal automobile. The amount of such advance shall not exceed the amount of such reasonably anticipated expenses of the officer or employee to be necessarily incurred in the course of such business of the state for a period of not to exceed ~~((thirty))~~ ninety days. Department heads shall establish written policies prescribing a reasonable amount for which such warrants may be written.

Sec. 2. Section 10, chapter 16, Laws of 1967 ex. sess. and RCW 43.03.190 are each amended to read as follows:

To protect the state from any losses on account of advances made as provided in RCW 43.03.150 through 43.03.210, the state shall have a prior lien against and a right to withhold any and all funds payable or to become payable by the state to such officer or employee to whom such advance has been given as provided in RCW 43.03.150 through 43.03.210, up to the amount of such advance and interest at the rate of ten percent per annum, until such time as repayment or justification has been made. ~~((No advance of any kind may be made to any officer or employee under RCW 43.03.150 through 43.03.210, at any time when he is delinquent in accounting for or repaying a prior advance under RCW 43.03.150 through 43.03.210.))~~

Sec. 3. Section 43.08.064, chapter 8, Laws of 1965 as last amended by section 2, chapter 77, Laws of 1975-'76 2nd ex. sess. and RCW 43.08.064 are each amended to read as follows:

In case of the loss or destruction of a state warrant for the payment of money, or any bond or other instrument or evidence of indebtedness, issued by any state officer, or agency, such officer, or such agency through its appropriate officer may issue or cause to be issued a duplicate in lieu thereof,

bearing the same number, class, or designation in all respects and for the same amount as the original, except that the word duplicate shall plainly appear upon the face of the new instrument in such a manner as to clearly identify it as a duplicate instrument. The duplicate instrument so issued shall be subject in all other respects to the same provisions of law as the original instrument(~~(: PROVIDED, That the requirements of RCW 43.08.066(2) shall not be applicable to instruments received by officers or employees of the state for payment of salary or wages or as other compensation for work performed nor shall those requirements be applicable to instruments received by former employees or their beneficiaries for the payment of pension benefits)~~)).

Sec. 4. Section 43.08.066, chapter 8, Laws of 1965 as last amended by section 1, chapter 74, Laws of 1972 ex. sess. and RCW 43.08.066 are each amended to read as follows:

Before a duplicate instrument is issued, the state treasurer or other issuing officer shall require the person making application for its issue(~~(:~~

~~(+))~~ to file in his office a written affidavit specifically alleging on oath that he is the proper owner, payee, or legal representative of such owner or payee of the original instrument, giving the date of issue, the number, amount, and for what services or claim or purpose the original instrument or series of instruments of which it is a part was issued, and that the same has been lost or destroyed, and has not been paid, or has not been received by him(~~(:~~

~~(2) To give a bond, in twice the face amount of the original instrument, with one or more sufficient sureties, conditioned to save harmless the state, its paying agent or any trustee under the terms of the instrument from the payment of the original instrument, and the payment of all costs and charges on account thereof: PROVIDED, That the proper owner, payee, or legal representative thereof and sureties shall not be liable where the payment of the original warrant resulted from forgery or fraud by others, not aided or abetted by such proper owner, payee or legal representative thereof or sureties, or occurred as a result of their negligence: PROVIDED FURTHER, That this subsection shall not apply to instruments received by virtue of or under the public assistance laws or employment security laws): PROVIDED ((FURTHER)), That in the event that an original and its duplicate instrument ((issued without bond under this proviso)) are both presented for payment as a result of forgery or fraud, the ((department of social and health services or the department of employment security, as the case may be;)) issuing officer shall be the state agency responsible for endeavoring to recover any losses suffered by the state.~~

Passed the Senate April 16, 1979.

Passed the House April 11, 1979.

Approved by the Governor April 26, 1979.

Filed in Office of Secretary of State April 26, 1979.

CHAPTER 72

[Substitute Senate Bill No. 2411]

COUNTIES—OFFICERS AND EMPLOYEES—ACTIONS FOR DAMAGES—
DEFENSE EXPENSE

AN ACT Relating to local government; and adding a new section to chapter 36.16 RCW.

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

NEW SECTION. Section 1. There is added to chapter 36.16 RCW a new section to read as follows:

Whenever an action or proceeding for damages is brought against any officer or employee of a county of this state, arising from acts or omissions while performing or in good faith purporting to perform his or her official duties, such officer or employee may request the county to authorize the defense of the action or proceeding at the expense of the county.

If the county legislative authority finds that the acts or omissions of the officer or employee were, or in good faith purported to be, within the scope of his or her official duties, the request may be granted. If the request is granted, the necessary expenses of defending the action or proceeding shall be paid by the county. Any money judgment against the officer or employee may be paid on approval of the county legislative authority.

Passed the Senate April 4, 1979.

Passed the House April 11, 1979.

Approved by the Governor April 26, 1979.

Filed in Office of Secretary of State April 26, 1979.

CHAPTER 73

[Senate Bill No. 2430]

PUBLIC EMPLOYMENT RELATIONS COMMISSION—DEPARTMENT OF
TRANSPORTATION LABOR DISPUTES

AN ACT Relating to the public employment relations commission; and amending section 47-.64.040, chapter 13, Laws of 1961 as amended by section 35, chapter 296, Laws of 1975 1st ex. sess. and RCW 47.64.040.

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

Section 1. Section 47.64.040, chapter 13, Laws of 1961 as amended by section 35, chapter 296, Laws of 1975 1st ex. sess. and RCW 47.64.040 are each amended to read as follows:

Any employee(;) or employee's representative, or (~~Washington toll bridge authority~~) the department of transportation claiming labor disputes shall in writing notify the commission who shall make careful inquiry into the cause thereof and issue an order in writing advising the employee, or his

representative, and the ((authority)) department as to the decision of the commission.

The parties shall be entitled to offer evidence relating to disputes at all hearings conducted by the commission. ~~((All evidence, statements and testimony in any commission hearing under this chapter shall be transcribed and preserved by the commission and be available as a public record.))~~ The orders and awards of the commission shall be final and binding upon any employee or employees or their representatives affected thereby and upon the ~~((Washington toll bridge authority))~~ department.

The commission shall by regulation prescribe its rules of procedure.

The commission shall have the authority to subpoena any employee or employees, or their representatives, and any member or representative of the ~~((Washington toll bridge authority))~~ department, and any witnesses. The commission shall have power to require attendance of witnesses and the production of all pertinent records at any hearings held by the commission. The subpoenas of the commission shall be enforceable by order of any superior court in the state of Washington for the county within which such proceedings may be pending.

Passed the Senate March 30, 1979.

Passed the House April 11, 1979.

Approved by the Governor April 26, 1979.

Filed in Office of Secretary of State April 26, 1979.

CHAPTER 74

[Senate Bill No. 2467]

DRIVER'S LICENSE—SUSPENSION OR REVOCATION—IN-STATE OR OUT-OF-STATE

AN ACT Relating to drivers' licenses; amending section 2, chapter 27, Laws of 1969 and RCW 46.20.342; and prescribing penalties.

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

Section 1. Section 2, chapter 27, Laws of 1969 and RCW 46.20.342 are each amended to read as follows:

(1) Any person who drives a motor vehicle on any public highway of this state at a time when his privilege so to do is suspended or revoked in this or any other state or when his policy of insurance or bond, when required under this chapter, shall have been canceled or terminated, shall be guilty of a misdemeanor. Upon the first conviction therefor, he shall be punished by imprisonment for not less than ten days nor more than six months. Upon the second such conviction therefor, he shall be punished by imprisonment for not less than ninety days nor more than one year. Upon the third such conviction therefor, he shall be punished by imprisonment for one year. There may also be imposed in connection with each such conviction a fine of not more than five hundred dollars.

(2) The department upon receiving a record of conviction of any person or upon receiving an order by any juvenile court or any duly authorized court officer of the conviction of any juvenile under this section upon a charge of driving a vehicle while the license of such person is under suspension shall extend the period of such suspension for an additional like period and if the conviction was upon a charge of driving while a license was revoked the department shall not issue a new license for an additional period of one year from and after the date such person would otherwise have been entitled to apply for a new license.

Passed the Senate March 30, 1979.

Passed the House April 11, 1979.

Approved by the Governor April 26, 1979.

Filed in Office of Secretary of State April 26, 1979.

CHAPTER 75

[Senate Bill No. 2468]

MOTOR VEHICLE DRIVERS—FAILURE TO COMPLY WITH POLICE ORDER TO STOP

AN ACT Relating to motor vehicles; adding a new section to chapter 46.61 RCW; and prescribing penalties.

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

NEW SECTION. Section 1. There is added to chapter 46.61 RCW a new section to read as follows:

Any driver of a motor vehicle who wilfully fails or refuses to immediately bring his vehicle to a stop and who drives his vehicle in a manner indicating a wanton and wilful disregard for the lives or property of others while attempting to elude a pursuing police vehicle, after being given a visual or audible signal to bring the vehicle to a stop, shall be guilty of a class C felony. The signal given by the police officer may be by hand, voice, emergency light, or siren. The officer giving such a signal shall be in uniform and his vehicle shall be appropriately marked showing it to be an official police vehicle.

Passed the Senate April 16, 1979.

Passed the House April 10, 1979.

Approved by the Governor April 26, 1979.

Filed in Office of Secretary of State April 26, 1979.

CHAPTER 76

[Engrossed Senate Bill No. 2474]

STATE BUILDING CODES—ADOPTION REFERENCE UPDATE—THERMAL EFFICIENCY AND LIGHTING CODE

AN ACT Relating to the state building codes; amending section 3, chapter 96, Laws of 1974 ex. sess. as last amended by section 11, chapter 14, Laws of 1977 ex. sess. and RCW 19.27.030; and amending section 7, chapter 44, Laws of 1970 ex. sess. as amended by section 5, chapter 22, Laws of 1973 1st ex. sess. and RCW 43.22.480.

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

Section 1. Section 3, chapter 96, Laws of 1974 ex. sess. as last amended by section 11, chapter 14, Laws of 1977 ex. sess. and RCW 19.27.030 are each amended to read as follows:

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)~~) 1976 edition, published by the International Conference of Building Officials;

(2) Uniform Mechanical Code, (~~(1973)~~) 1976 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)~~) 1976 edition, published by the International Conference of Building Officials and the Western Fire Chiefs Association;

(4) The Uniform Plumbing Code, (~~(1973)~~) 1976 edition, published by the International Association of Plumbing and Mechanical Officials: PROVIDED, That chapter 11 of such code is not adopted: PROVIDED, 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;

(5) The rules and regulations adopted by the council establishing standards for making buildings and facilities accessible to and usable by the physically handicapped or elderly persons as provided for in RCW 70.92.100 through 70.92.160; and

(6) The thermal performance and design standards for dwellings as set forth in RCW 19.27.210 through 19.27.290. This subsection shall be of no further force and effect when RCW 19.27.200 through 19.27.290 expire as provided in RCW 19.27.300.

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.

Sec. 2. Section 7, chapter 44, Laws of 1970 ex. sess. as amended by section 5, chapter 22, Laws of 1973 1st ex. sess. and RCW 43.22.480 are each amended to read as follows:

The department shall prescribe and enforce rules and regulations which protect the health, safety, and property of the people of this state by assuring that all factory built housing or factory built commercial structures are structurally sound and that the plumbing, heating, electrical, and other components thereof are reasonably safe. Such rules and regulations shall be

reasonably consistent with recognized and accepted principles of safety and structural soundness and in promulgating such rules and regulations the department shall consider, so far as practicable the standards and specifications contained in: The uniform building code (~~((1970))~~) (1976), published by the international conference of building officials; the uniform plumbing code (~~((1970))~~) (1976), published by the international association of plumbing and mechanical officials; the uniform mechanical code (~~((1970))~~) (1976), published by the international conference of building officials and the international association of plumbing and mechanical officials; and the national electrical code (~~((1971))~~) (1975); published by the national fire protection association. Updated issues of these codes and amendments to such codes shall be considered by the department.

The department shall set a schedule of fees which will cover the costs incurred by the department in the administration and enforcement of RCW 43.22.450 through 43.22.490.

NEW SECTION. Sec. 3. The state building code advisory council shall have authority to promulgate rules, pursuant to chapter 34.04 RCW, for the purpose of adopting a state-wide thermal efficiency and lighting code to the extent necessary to comply with Title 10, Code of Federal Regulations, section 420.35. Such code shall take into account regional climatic conditions; shall take effect prior to June 30, 1980; and shall be presented to the senate and house committees on energy and utilities at the time it is proposed as a draft rule.

Passed the Senate April 16, 1979.

Passed the House April 11, 1979.

Approved by the Governor April 26, 1979.

Filed in Office of Secretary of State April 26, 1979.

CHAPTER 77

[Senate Bill No. 2502]

CONGRESSIONAL MEDAL OF HONOR RECIPIENTS—SPECIAL LICENSE PLATES

AN ACT Relating to motor vehicle licenses; and adding a new section to chapter 46.16 RCW.

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

NEW SECTION. Section 1. There is added to chapter 46.16 RCW a new section to read as follows:

(1) The department shall issue to each resident of this state who has been awarded the Congressional Medal of Honor one set of special license plates for use on a personal passenger vehicle registered to such person. The plates shall be issued without the payment of any fees, and shall be replaced by the department free of charge if they become damaged. The plates shall remain with the recipient of the medal upon transfer or other disposition of

the vehicle, and may be used on another vehicle registered to the recipient in accordance with the provisions of RCW 46.16.595 for such transfers.

(2) The special plates shall be of a distinctive, suitable design approved by the director of licensing.

Passed the Senate April 16, 1979.

Passed the House April 11, 1979.

Approved by the Governor April 26, 1979.

Filed in Office of Secretary of State April 26, 1979.

CHAPTER 78

[Second Substitute Senate Bill No. 2610]

THE EVERGREEN STATE COLLEGE—MASTERS DEGREE PROGRAM— ENROLLMENT, COST REDUCTION, SERVICE EXPANSION REPORTS

AN ACT Relating to institutions of higher education; creating new sections; and adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.40 RCW.

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

NEW SECTION. Section 1. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.40 RCW a new section to read as follows:

In addition to all other powers and duties given to them by law, the board of trustees of The Evergreen State College is hereby authorized to grant any degree through the master's degree to any student who has completed a program of study and/or research in those areas which are determined by the faculty and board of trustees of the college to be appropriate for the granting of such degree: **PROVIDED**, That any degree authorized under this section shall be subject to the review and favorable recommendation of the council for postsecondary education.

NEW SECTION. Sec. 2. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.40 RCW a new section to read as follows:

Notwithstanding any other statutory provision to the contrary, for the purpose of establishing enrollment goals for The Evergreen State College, reducing unit costs at the institution to a level comparable to the average of such costs in the regional universities, and increasing the service the college provides to southwestern Washington counties, not later than November of each year, 1979 through 1984, the board of trustees shall have prepared and transmitted through the council for postsecondary education to the legislature and governor a report including but not limited to steps the college has taken with respect to the following:

(1) Achievement of target enrollment levels of twenty-five hundred full-time equivalent students prior to or during the 1980-81 academic year, three thousand fifty full-time equivalent students prior to or during the 1982-83 academic year, and thirty-eight hundred full-time equivalent students prior to or during the 1984-85 academic year, including:

- (a) The provision of master's program and evening credit offerings, an expanded role in state personnel training, and instruction in teacher education offered cooperatively with an institution or institutions whose teacher education courses have been approved by the state board of education;
 - (b) The expansion of career preparation pathways in the college curriculum;
 - (c) The reexamination of admissions procedures and requirements;
 - (d) Expanded efforts in southwestern Washington high schools and community colleges to increase Washington resident enrollments at the college;
 - (e) The provision of outreach programs in southwestern Washington;
 - (f) Other actions the college has taken to increase enrollment levels.
- (2) Cost reduction efforts, including:
- (a) Review of overhead and support costs at the college;
 - (b) Consortium and resource sharing arrangements the college has entered with other institutions of higher education and organizations;
 - (c) Any other actions the college has taken to reduce or reallocate costs.
- (3) Increased service to residents of southwestern Washington, including:
- (a) Numbers of entering first-year students who are graduates of high schools in Clallam, Clark, Cowlitz, Grays Harbor, Jefferson, Kitsap, Lewis, Mason, Pacific, Pierce, Skamania, Thurston, and Wahkiakum counties;
 - (b) Numbers of students transferring from community colleges located in such counties;
 - (c) Such other evidence as may be indicative of the college's service to these counties.

NEW SECTION. Sec. 3. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.40 RCW a new section to read as follows:

The council for postsecondary education shall convey the annual reports of The Evergreen State College required by section 2 of this act with its comments and recommendations, including its estimates of current unit costs at the college, to the legislature and governor not later than January 31, of the next succeeding year. In its report to the legislature and governor in January, 1985, the council shall review and evaluate the effectiveness of the steps the college has taken with respect to increasing enrollments, reducing costs, and expanding service to southwestern Washington, and make a recommendation on the college's instructional program in its then present form, at which time the legislature shall review and act upon the recommendation.

NEW SECTION. Sec. 4. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or

the application of the provision to other persons or circumstances is not affected.

Passed the Senate April 17, 1979.

Passed the House April 9, 1979.

Approved by the Governor April 26, 1979.

Filed in Office of Secretary of State April 26, 1979.

CHAPTER 79

[Engrossed Senate Bill No. 2630]

MIGRANT LABOR HOUSING PROJECT, YAKIMA COUNTY—USE FEES— EMPLOYMENT SECURITY DEPARTMENT ADMINISTRATION— APPROPRIATION

AN ACT Relating to the migrant labor housing project in Yakima county; amending section 1, chapter 125, Laws of 1974 ex. sess. as last amended by section 1, chapter 287, Laws of 1977 ex. sess. and RCW 70.114.010; amending section 4, chapter 125, Laws of 1974 ex. sess. as last amended by section 2, chapter 287, Laws of 1977 ex. sess. and RCW 70.114.020; making an appropriation; and declaring an emergency.

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

Section 1. Section 1, chapter 125, Laws of 1974 ex. sess. as last amended by section 1, chapter 287, Laws of 1977 ex. sess. and RCW 70.114.010 are each amended to read as follows:

The legislature finds that the migrant labor housing project constructed on property purchased by the state in Yakima county should be continued until ~~((December 1, 1978))~~ June 30, 1981. The employment security department is authorized to set day use or extended period use fees, consistent with those established by the department of parks and recreation.

Sec. 2. Section 4, chapter 125, Laws of 1974 ex. sess. as last amended by section 2, chapter 287, Laws of 1977 ex. sess. and RCW 70.114.020 are each amended to read as follows:

The employment security department ~~((of general administration))~~ is authorized to enter into such agreements and contracts as may be necessary to provide for the continued operation of the facility by a state agency, an appropriate local governmental body, or by such other entity as the ~~((director))~~ commissioner may deem appropriate and in the state's best interest.

NEW SECTION. Sec. 3. There is appropriated to the employment security department from the general fund for the biennium ending June 30, 1979, the sum of twenty-seven thousand five hundred and fifteen dollars, or so much thereof as may be necessary to carry out the purposes of this 1979 act: **PROVIDED**, That no more than sixteen thousand four hundred dollars may be used for capital improvements.

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 March 29, 1979.

Passed the House April 11, 1979.

Approved by the Governor April 26, 1979.

Filed in Office of Secretary of State April 26, 1979.

CHAPTER 80

[Senate Bill No. 2727]

ARSON REPORTING IMMUNITY ACT

AN ACT Relating to insurance; and adding a new chapter to Title 48 RCW.

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

NEW SECTION. Section 1. This chapter shall be known and may be cited as the Arson Reporting Immunity Act.

NEW SECTION. Sec. 2. As used in this chapter the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "Authorized agency" means a public agency or its official representative having legal authority to investigate the cause of a fire and to initiate criminal proceedings or further investigations if the cause was not accidental, including the following agencies:

- (a) The state fire marshal;
 - (b) The prosecuting attorney of the county where the fire occurred;
 - (c) The state attorney general, when engaged in a prosecution which is or may be connected with the fire;
 - (d) The Federal Bureau of Investigation, or any other federal agency;
- and
- (e) The United States attorney's office when authorized or charged with investigation or prosecution concerning the fire.

(2) "Insurer" means any insurer, as defined in RCW 48.01.050, which insures against loss by fire, and includes insurers under the Washington F.A.I.R. plan.

(3) "Relevant information" means information having any tendency to make the existence of any fact that is of consequence to the investigation or determination of the cause of any fire more probable or less probable than it would be without the information.

NEW SECTION. Sec. 3. (1) Any authorized agency may request, in writing, that an insurer release to the agency any or all relevant information or evidence which the insurer may have in its possession relating to a particular fire loss, if such information or evidence is deemed important by the agency in its discretion. The information requested may include, without limitation:

(a) Pertinent insurance policy information relating to a fire loss under investigation and any application for such a policy;

(b) Policy premium payment records which are available;

(c) History of previous claims made by the insured; and

(d) Material relating to the investigation of the loss, including statements of any person, proof of loss, and any other evidence found in the investigation.

(2) An insurer receiving a request under subsection (1) of this section shall furnish to the agency within a reasonable time, orally or in writing, all relevant information requested.

NEW SECTION. Sec. 4. (1) When an insurer has reason to believe that a fire loss reported to the insurer may be of other than accidental cause, the insurer shall notify the state fire marshal in the manner prescribed under RCW 48.05.320 concerning the circumstances of the fire loss, including any and all relevant material developed from the insurer's inquiry into the fire loss.

(2) Notification of the state fire marshal under subsection (1) of this section does not relieve the insurer of the duty to respond to a request for information from any other authorized agency.

NEW SECTION. Sec. 5. An authorized agency receiving information under section 3 or 4 of this act may release or provide such information to any other authorized agencies.

NEW SECTION. Sec. 6. Any insurer providing information to an authorized agency or agencies under section 3 or 4 of this act may request that any authorized agency furnish to the insurer any or all relevant information possessed by the agency relating to the particular fire loss. The agency shall furnish within a reasonable time, not to exceed thirty days, the relevant information requested.

NEW SECTION. Sec. 7. Any insurer or person acting in its behalf or any authorized agency which releases information, whether oral or written, under section 3, 4, 5, or 6 of this act shall be immune from liability in any civil or criminal action, suit, or prosecution arising from the release of the information, unless actual malice on the part of the insurer or authorized agency against the insured is shown.

NEW SECTION. Sec. 8. (1) Any authorized agency or insurer which receives any information furnished as required by this chapter shall not make the information public until such time as its release is required in connection with a criminal or civil proceeding.

(2) Any authorized agency, through its personnel, may be required to testify in any litigation arising from a loss by fire which the agency has investigated or about which it has requested information, in which the insurer against the loss by fire is named as a party.

NEW SECTION. Sec. 9. This chapter does not preempt or preclude any county or municipality from enacting ordinances relating to fire prevention or control of arson.

NEW SECTION. Sec. 10. Sections 1 through 9 of this act shall constitute a new chapter in Title 48 RCW.

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.

Passed the Senate April 17, 1979.

Passed the House April 11, 1979.

Approved by the Governor April 26, 1979.

Filed in Office of Secretary of State April 26, 1979.

CHAPTER 81

[Senate Bill No. 2753]

PUBLIC ASSISTANCE VENDORS—PRESENTATION OF FINAL CHARGES

AN ACT Relating to public assistance; and amending section 74.09.160, chapter 26, Laws of 1959 as amended by section 1, chapter 48, Laws of 1973 1st ex. sess. and RCW 74.09.160.

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

Section 1. Section 74.09.160, chapter 26, Laws of 1959 as amended by section 1, chapter 48, Laws of 1973 1st ex. sess. and RCW 74.09.160 are each amended to read as follows:

Each vendor or group who has a contract and is rendering service to eligible persons as defined in this chapter shall submit such charges as agreed upon between the department and the individual or group on a monthly basis and shall present their final charges not more than ~~((sixty))~~ one hundred twenty days after the termination of service. If the final charges are not presented within the ~~((sixty))~~ one hundred twenty-day period they shall not be a charge against the state unless previous extension in writing has been given by the department. Said ~~((sixty))~~ one hundred twenty-day period may also be extended by regulation, but only if required by applicable federal law or regulation, and to no more than the extension of time so required.

The department is authorized to set up a medical prepayments revolving fund, or funds, to be used solely for the payment of medical care. Deposits into this fund or these funds shall be made from the appropriation for medical care. Such deposits shall be based upon a per capita amount per beneficiary, said amounts to be determined by the department from time to time. The department may set up such fund or funds to cover any one, several, or all items of the medical care costs of one, several, or all public assistance

programs as deemed most advantageous by the secretary for the best interests of the state: PROVIDED, That in the event such fund, or funds is, or are dissolved, the federal government shall be reimbursed for its proportionate share of contributions into such fund or funds.

Passed the Senate March 26, 1979.

Passed the House April 11, 1979.

Approved by the Governor April 26, 1979.

Filed in Office of Secretary of State April 26, 1979.

CHAPTER 82

[Substitute Senate Bill No. 2798]

EMPLOYMENT AGENCY ADVISORY BOARD—SUNSET TERMINATION RESCISSION

AN ACT Relating to the employment agency advisory board; and amending section 14, chapter 289, Laws of 1977 ex. sess. and RCW 43.131.140.

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

Section 1. Section 14, chapter 289, Laws of 1977 ex. sess. and RCW 43.131.140 are each amended to read as follows:

(1) The following programs shall be terminated on June 30, 1978:

- (a) Debt adjusting (chapter 18.28 RCW);
- (b) Proprietary schools (chapter 18.82 RCW);
- (c) Grist mills (chapter 19.44 RCW); and
- (d) Regulation of vessels (chapter 88.04 RCW).

(2) The following state agencies and programs shall be terminated on June 30, 1979:

- (a) Driving instructors examining committee;
- (b) Water well construction operators examining board;
- (c) Forest fire advisory board;
- (d) Escrow commission(;
- (e) ~~Employment agency advisory board~~)).

(3) The state agencies scheduled for termination in this section shall be subject to all of the processes provided in this chapter. The state agencies set forth in this section may also be included in the schedule of state agencies to be terminated which shall be developed by the select joint committee as provided in RCW 43.131.120. If any state agency set forth in this section is reestablished or modified, such agency shall remain subject to the provisions of RCW 43.131.120. If any state agency set forth in this section is not reestablished or modified according to the provisions of this section, then the

inclusion of that state agency in the schedule provided in RCW 43.131.120 shall be null.

Passed the Senate March 21, 1979.

Passed the House April 11, 1979.

Approved by the Governor April 26, 1979.

Filed in Office of Secretary of State April 26, 1979.

CHAPTER 83

[Senate Bill No. 2923]

COLLEGE AND UNIVERSITY TUITION AND FEES—VIETNAM VETERANS— EXEMPTION FROM INCREASES

AN ACT Relating to tuition and fees at institutions of higher education; and amending section 22, chapter 279, Laws of 1971 ex. sess. as last amended by section 9, chapter 322, Laws of 1977 ex. sess. and RCW 28B.15.620.

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

Section 1. Section 22, chapter 279, Laws of 1971 ex. sess. as last amended by section 9, chapter 322, Laws of 1977 ex. sess. and RCW 28B.15.620 are each amended to read as follows:

~~((1) The tuition and operating fees charged to)~~ Notwithstanding any other provision of law, veterans of the Vietnam conflict who have served in the southeast Asia theater of operations attending institutions of higher learning shall be ~~((; for each academic year of the 1977-79 biennium and thereafter, adjusted at the same dollar amount as are the tuition and operating fees of resident undergraduate students))~~ exempted from the payment of any increase in tuition and fees otherwise applicable to any other resident or nonresident student at any institution of higher education, and shall not be required to pay more than the total amount of tuition and fees paid by veterans of the Vietnam conflict on October 1, 1977; PROVIDED, That for the purposes of this ((section)) exemption, "veterans of the Vietnam conflict" shall be those persons who have been on active federal service as a member of the armed military or naval forces of the United States between a period commencing August 5, 1964, and ending on May 7, 1975, and who qualify as a resident student under RCW 28B.15.012, and who have enrolled in state institutions of higher education on or before ((June 30, 1977)) May 7, 1983.

~~((2) The provisions of this section shall be null and void and of no effect after July 1, 1981:))~~

Passed the Senate March 22, 1979.

Passed the House April 11, 1979.

Approved by the Governor April 26, 1979.

Filed in Office of Secretary of State April 26, 1979.

CHAPTER 84

[Engrossed Substitute Senate Bill No. 2958]

HOOD CANAL BRIDGE—RESTORATION OF TRANSPORTATION
SERVICES—ENVIRONMENTAL RESPONSIBILITY

AN ACT Relating to transportation; facilitating the restoration of transportation services disrupted by the sinking of the Hood Canal bridge; amending section 3, chapter 286, Laws of 1971 ex. sess. as last amended by section 1, chapter 182, Laws of 1975 1st ex. sess. and RCW 90.58.030; adding a new section to chapter 43.21C RCW; and declaring an emergency.

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

NEW SECTION. Section 1. The legislature finds that high tides and hurricane force winds on February 13, 1979, caused conditions resulting in the catastrophic destruction of the Hood Canal bridge on state route 104, a state highway on the federal-aid system; and, as a consequence, the state of Washington has sustained a sudden and complete failure of a major segment of highway system with a disastrous impact on transportation services between the counties of Washington's Olympic peninsula and the remainder of the state. The governor has by proclamation found that these conditions constitute an emergency. To minimize the economic loss and hardship to residents of the Puget Sound and Olympic peninsula regions, it is the intent of this act to authorize the department of transportation to undertake immediately all necessary actions to restore interim transportation services across Hood Canal and Puget Sound and upon the Kitsap and Olympic peninsulas. The department of transportation is directed to proceed with such actions in an environmentally responsible manner that would meet the substantive objectives of the state environmental policy act and the shorelines management act, and shall consult with the department of ecology in the planning process. The exemptions from the state environmental policy act and the shorelines management act contained in sections 2 and 3 of this 1979 act are intended to approve and ratify the timely actions of the department of transportation taken and to be taken to restore interim transportation services without procedural delays.

NEW SECTION. Sec. 2. There is added to chapter 43.21C RCW a new section to read as follows:

Nothing in RCW 43.21C.030(2)(c) shall be construed to require the preparation of a detailed statement or the making of a threshold determination for any decision or any action commenced prior to February 13, 1981 pertaining to the restoration of interim transportation services, as may be necessary as a consequence of the destruction of the Hood Canal bridge, including, but not limited to, improvements to highways, development of park and ride facilities, and development of ferry terminal facilities until a new or reconstructed Hood Canal bridge is open to traffic.

Sec. 3. Section 3, chapter 286, Laws of 1971 ex. sess. as last amended by section 1, chapter 182, Laws of 1975 1st ex. sess. and RCW 90.58.030 are each amended to read as follows:

As used in this chapter, unless the context otherwise requires, the following definitions and concepts apply:

(1) Administration:

(a) "Department" means the department of ecology;

(b) "Director" means the director of the department of ecology;

(c) "Local government" means any county, incorporated city, or town which contains within its boundaries any lands or waters subject to this chapter;

(d) "Person" means an individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of the state or local governmental unit however designated;

(e) "Hearing board" means the shoreline hearings board established by this chapter.

(2) Geographical:

(a) "Extreme low tide" means the lowest line on the land reached by a receding tide;

(b) "Ordinary high water mark" on all lakes, streams, and tidal water is that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971 or as it may naturally change thereafter: PROVIDED, That in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining salt water shall be the line of mean higher high tide and the ordinary high water mark adjoining fresh water shall be the line of mean high water;

(c) "Shorelines of the state" are the total of all "shorelines" and "shorelines of state-wide significance" within the state;

(d) "Shorelines" means all of the water areas of the state, including reservoirs, and their associated wetlands, together with the lands underlying them; except (i) shorelines of state-wide significance; (ii) shorelines on segments of streams upstream of a point where the mean annual flow is twenty cubic feet per second or less and the wetlands associated with such upstream segments; and (iii) shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes;

(e) "Shorelines of state-wide significance" means the following shorelines of the state:

(i) The area between the ordinary high water mark and the western boundary of the state from Cape Disappointment on the south to Cape Flattery on the north, including harbors, bays, estuaries, and inlets;

(ii) Those areas of Puget Sound and adjacent salt waters and the Strait of Juan de Fuca between the ordinary high water mark and the line of extreme low tide as follows:

(A) Nisqually Delta—from DeWolf Bight to Tatsolo Point,

(B) Birch Bay—from Point Whitehorn to Birch Point,

(C) Hood Canal—from Tala Point to Foulweather Bluff,

(D) Skagit Bay and adjacent area—from Brown Point to Yokeko Point, and

(E) Padilla Bay—from March Point to William Point;

(iii) Those areas of Puget Sound and the Strait of Juan de Fuca and adjacent salt waters north to the Canadian line and lying seaward from the line of extreme low tide;

(iv) Those lakes, whether natural, artificial or a combination thereof, with a surface acreage of one thousand acres or more measured at the ordinary high water mark;

(v) Those natural rivers or segments thereof as follows:

(A) Any west of the crest of the Cascade range downstream of a point where the mean annual flow is measured at one thousand cubic feet per second or more,

(B) Any east of the crest of the Cascade range downstream of a point where the annual flow is measured at two hundred cubic feet per second or more, or those portions of rivers east of the crest of the Cascade range downstream from the first three hundred square miles of drainage area, whichever is longer;

(vi) Those wetlands associated with (i), (ii), (iv), and (v) of this subsection (2)(e);

(f) "Wetlands" or "wetland areas" means those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all marshes, bogs, swamps, and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of this chapter; the same to be designated as to location by the department of ecology: PROVIDED, That any county or city may determine that portion of a one-hundred-year-flood plain to be included in its master program as long as such portion includes, as a minimum, the floodway and the adjacent land extending landward two hundred feet therefrom;

(g) "Floodway" means those portions of the area of a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal condition, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition. The floodway shall not include those lands that can reasonably be expected to be protected from flood

waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.

(3) Procedural terms:

(a) "Guidelines" means those standards adopted to implement the policy of this chapter for regulation of use of the shorelines of the state prior to adoption of master programs. Such standards shall also provide criteria to local governments and the department in developing master programs;

(b) "Master program" shall mean the comprehensive use plan for a described area, and the use regulations together with maps, diagrams, charts or other descriptive material and text, a statement of desired goals and standards developed in accordance with the policies enunciated in RCW 90.58.020;

(c) "State master program" is the cumulative total of all master programs approved or adopted by the department of ecology;

(d) "Development" means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to this chapter at any state of water level;

(e) "Substantial development" shall mean any development of which the total cost or fair market value exceeds one thousand dollars, or any development which materially interferes with the normal public use of the water or shorelines of the state; except that the following shall not be considered substantial developments for the purpose of this chapter:

(i) Normal maintenance or repair of existing structures or developments, including damage by accident, fire or elements;

(ii) Construction of the normal protective bulkhead common to single family residences;

(iii) Emergency construction necessary to protect property from damage by the elements;

(iv) Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on wetlands, and the construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels: PROVIDED, That a feedlot of any size, all processing plants, other activities of a commercial nature, alteration of the contour of the wetlands by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities. A feedlot shall be an enclosure or facility used or capable of being used for feeding livestock hay, grain, silage, or other livestock feed, but shall not include land for growing crops or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations;

(v) Construction or modification of navigational aids such as channel markers and anchor buoys;

(vi) Construction on wetlands by an owner, lessee or contract purchaser of a single family residence for his own use or for the use of his family, which residence does not exceed a height of thirty-five feet above average grade level and which meets all requirements of the state agency or local government having jurisdiction thereof, other than requirements imposed pursuant to this chapter;

(vii) Construction of a dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee or contract purchaser of a single family residence, the cost of which does not exceed two thousand five hundred dollars;

(viii) Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored ground water for the irrigation of lands((-));

(ix) The marking of property lines or corners on state owned lands, when such marking does not significantly interfere with normal public use of the surface of the water((-));

(x) Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on September 8, 1975, which were created, developed, or utilized primarily as a part of an agricultural drainage or diking system;

(xi) Any action commenced prior to February 13, 1981, pertaining to the restoration of interim transportation services as may be necessary as a consequence of the destruction of the Hood Canal bridge, including, but not limited to, improvements to highways, development of park and ride facilities, and development of ferry terminal facilities until a new or reconstructed Hood Canal bridge is open to traffic.

NEW SECTION, Sec. 4. There is added to chapter 90.58 RCW a new section to read as follows:

Not later than July 1, 1981, the department of transportation or any affected private property owner, or both, may apply for a substantial development permit in connection with any dolphin, wingwall, barge, pier, or similar structure constructed or assembled at a temporary ferry terminal for the purpose of providing interim transportation services necessary as a consequence of the destruction of the Hood Canal bridge. The permit shall be processed in accordance with this chapter. Following a denial of a permit and the exhaustion of all subsequent appeals, or within six months after the new or reconstructed Hood Canal bridge is open to traffic, whichever occurs later, the department shall remove all dolphins, wingwalls, barges, piers, and similar structures constructed or assembled at the temporary ferry terminals. If a permit is granted, such structures may remain in place.

NEW SECTION. Sec. 5. This 1979 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 17, 1979.

Passed the House April 11, 1979.

Approved by the Governor April 26, 1979.

Filed in Office of Secretary of State April 26, 1979.

CHAPTER 85

[Substitute Senate Bill No. 3022]

FOUND AND UNCLAIMED PERSONAL PROPERTY—DISPOSITION— FINDER—LOCAL GOVERNMENT

AN ACT Relating to local government disposition of found and unclaimed personal property; adding a new chapter to Title 63 RCW; repealing section 3266, Code of 1881 and RCW 63.20.010; repealing section 3270, Code of 1881 and RCW 63.20.020; repealing section 3267, Code of 1881 and RCW 63.20.030; repealing section 3268, Code of 1881 and RCW 63.20.040; repealing section 3269, Code of 1881 and RCW 63.20.050; repealing section 2, chapter 289, Laws of 1959, section 2, chapter 44, Laws of 1973 1st ex. sess., section 1, chapter 28, Laws of 1975 1st ex. sess. and RCW 63.36.010; repealing section 3, chapter 289, Laws of 1959, section 3, chapter 44, Laws of 1973 1st ex. sess., section 2, chapter 28, Laws of 1975 1st ex. sess. and RCW 63.36.020; and repealing section 4, chapter 289, Laws of 1959, section 3, chapter 28, Laws of 1975 1st ex. sess. and RCW 63.36.030.

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

NEW SECTION. Section 1. Any person who finds property that is not unlawful to possess, the owner of which is unknown, and who wishes to claim the found property, shall:

(1) Within seven days of the finding acquire a signed statement setting forth an appraisal of the current market value of the property prepared by a qualified person engaged in buying or selling like items or by a district court judge;

(2) Within seven days report the find of property and surrender, if requested, the property and a copy of the evidence of the value of the property to the chief law enforcement officer, or his or her designated representative, of the governmental entity where the property was found, and serve written notice upon the officer of the finder's intent to claim the property if the owner does not make out his or her right to it under this chapter; and

(3) Within thirty days of the finding cause notice of the finding to be published at least once a week for two successive weeks in a newspaper of general circulation in the county where the property was found.

NEW SECTION. Sec. 2. The finder's claim to the property shall be extinguished:

(1) If the owner satisfactorily establishes, within sixty days after the find was reported to the appropriate officer, the owner's right to possession of the property; or

(2) If the chief law enforcement officer determines and so informs the finder that the property is illegal for the finder to possess.

NEW SECTION. Sec. 3. (1) The found property shall be released to the finder and become the property of the finder sixty days after the find was reported to the appropriate officer if no owner has been found, or sixty days after the final disposition of any judicial or other official proceeding involving the property, whichever is later. The property shall be released only after the finder has presented evidence of:

(a) Compliance with the publication requirement of this chapter; and

(b) If the property is valued at more than twenty-five dollars, payment to the treasurer of the governmental entity handling the found property, the amount of five dollars, or ten percent of the appraised value of the property, whichever is greater, which amount shall be deposited in the general fund of the governmental entity.

(2) When ninety days have passed after the found property was reported to the appropriate officer, or ninety days after the final disposition of a judicial or other proceeding involving the found property, and the finder has not completed the requirements of this chapter, the finder's claim shall be deemed to have expired and the found property may be disposed of as unclaimed property under chapter 63.32 or 63.40 RCW. Such laws shall also apply whenever a finder states in writing that he or she has no intention of claiming the found property.

NEW SECTION. Sec. 4. Any finder of property who fails to discharge the duties imposed by this chapter shall forfeit all right to the property and shall be liable for the full value of the property to its owner.

NEW SECTION. Sec. 5. The chief law enforcement officer or his or her designated representative to whom a finder surrenders property, shall:

(1) Advise the finder if the found property is illegal for him or her to possess;

(2) Advise the finder if the found property is to be held as evidence in judicial or other official proceedings;

(3) Advise the finder in writing of the procedures to be followed in claiming the found property;

(4) If the property is valued at twenty-five dollars or less, allow the finder to retain the property if it is determined there is no reason for the officer to retain the property;

(5) If the property exceeds twenty-five dollars in value and has been requested to be surrendered to the law enforcement agency, retain the property for sixty days before it can be claimed by the finder under this chapter, unless the owner shall have recovered the property;

(6) If the property is held as evidence in judicial or other official proceedings, retain the property for sixty days after the final disposition of the

judicial or other official proceeding, before it can be claimed by the finder or owner under the provisions of this chapter;

(7) After the required number of days have passed, and if no owner has been found, surrender the property to the finder according to the requirements of this chapter; or

(8) If neither the finder nor the owner claim the property retained by the officer within thirty days of the time when the claim can be made, the property shall be disposed of as unclaimed property under chapter 63.32 or 63.40 RCW.

NEW SECTION. Sec. 6. Any governmental entity that acquires lost property shall attempt to notify the apparent owner of the property. If the property is not returned to a person validly establishing ownership or right to possession of the property, the governmental entity shall forward the lost property within thirty days but not less than ten days after the time the governmental entity acquires the lost property to the chief law enforcement officer, or his or her designated representative, of the county in which the property was found, except that if the property is found within the borders of a city or town the property shall be forwarded to the chief law enforcement officer of the city or town or his or her designated representative. A governmental entity may elect to retain property which it acquires and dispose of the property as provided by chapter 63.32 or 63.40 RCW.

NEW SECTION. Sec. 7. An employee, officer, or agent of a governmental entity who finds or acquires any property covered by this chapter while acting within the course of his or her employment may not claim possession of the lost property as a finder under this chapter unless the governing body of the governmental entity has specifically provided, by ordinance, resolution, or rule for such a claim.

NEW SECTION. Sec. 8. This chapter shall not apply to:

- (1) Motor vehicles under chapter 46.52 RCW;
- (2) Unclaimed property in the hands of a bailee under chapter 63.24 RCW; and
- (3) Uniform disposition of unclaimed property under chapter 63.28 RCW.

NEW SECTION. Sec. 9. Sections 1 through 8 of this act shall constitute a new chapter in Title 63 RCW.

NEW SECTION. Sec. 10. The following acts or parts of acts are each repealed:

- (1) Section 3266, Code of 1881 and RCW 63.20.010;
- (2) Section 3270, Code of 1881 and RCW 63.20.020;
- (3) Section 3267, Code of 1881 and RCW 63.20.030;
- (4) Section 3268, Code of 1881 and RCW 63.20.040;
- (5) Section 3269, Code of 1881 and RCW 63.20.050;

(6) Section 2, chapter 289, Laws of 1959, section 2, chapter 44, Laws of 1973 1st ex. sess., section 1, chapter 28, Laws of 1975 1st ex. sess. and RCW 63.36.010;

(7) Section 3, chapter 289, Laws of 1959, section 3, chapter 44, Laws of 1973 1st ex. sess., section 2, chapter 28, Laws of 1975 1st ex. sess. and RCW 63.36.020; and

(8) Section 4, chapter 289, Laws of 1959, section 3, chapter 28, Laws of 1975 1st ex. sess. and RCW 63.36.030.

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.

Passed the Senate April 16, 1979.

Passed the House April 11, 1979.

Approved by the Governor April 26, 1979.

Filed in Office of Secretary of State April 26, 1979.

CHAPTER 86

[Engrossed Substitute Senate Bill No. 3066]

OFFICE OF FINANCIAL MANAGEMENT—STATE AUDITOR—DEPARTMENT OF REVENUE—TRANSFER OF DUTIES

AN ACT Relating to the state auditor and the office of financial management; amending section 4, chapter 284, Laws of 1955 and RCW 13.24.040; amending section 47.24.010, chapter 13, Laws of 1961 as last amended by section 57, chapter 151, Laws of 1977 ex. sess. and RCW 47.24.010; amending section 84.48.080, chapter 15, Laws of 1961 as last amended by section 99, chapter 195, Laws of 1973 1st ex. sess. and RCW 84.48.080; amending section 84.48.110, chapter 15, Laws of 1961 as amended by section 11, chapter 95, Laws of 1973 and RCW 84.48.110; amending section 84.48.120, chapter 15, Laws of 1961 as amended by section 206, chapter 278, Laws of 1975 1st ex. sess. and RCW 84.48.120; amending section 84.56.280, chapter 15, Laws of 1961 and RCW 84.56.280; amending section 84.56.290, chapter 15, Laws of 1961 and RCW 84.56.290; and creating a new section.

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

Section 1. Section 4, chapter 284, Laws of 1955 and RCW 13.24.040 are each amended to read as follows:

The compact administrator, subject to the approval of the ((state auditor)) office of financial management, may make or arrange for any payments necessary to discharge any financial obligations imposed upon this state by the compact or by any supplementary agreement entered into thereunder.

Sec. 2. Section 47.24.010, chapter 13, Laws of 1961 as last amended by section 57, chapter 151, Laws of 1977 ex. sess. and RCW 47.24.010 are each amended to read as follows:

The transportation commission shall determine what streets, together with bridges thereon and wharves necessary for use for ferriage of motor

vehicle traffic in connection with such streets, if any, in any incorporated cities and towns shall form a part of the route of state highways and between the first and fifteenth days of July of any year the department of transportation shall certify to the clerk of each city or town, by brief description, the streets, together with the bridges thereon and wharves, if any, in such city or town which are designated as forming a part of the route of any state highway; and all such streets, including curbs and gutters and street intersections and such bridges and wharves, shall thereafter be a part of the state highway system and as such shall be constructed and maintained by the department of transportation from any state funds available therefor: PROVIDED, That the responsibility for the construction and maintenance of any such street together with its appurtenances may be returned to a city or a town upon certification by the department of transportation ((to the state auditor and)) to the clerk of any city or town that such street, or portion thereof, is no longer required as a part of the state highway system: PROVIDED FURTHER, That any such certification that a street, or portion thereof, is no longer required as a part of the state highway system shall be made between the first and fifteenth of July following the determination by the department that such street or portion thereof is no longer required as a part of the state highway system, but this shall not prevent the department and any city or town from entering into an agreement that a city or town will accept responsibility for such a street or portion thereof at some time other than between the first and fifteenth of July of any year.

Sec. 3. Section 84.48.080, chapter 15, Laws of 1961 as last amended by section 99, chapter 195, Laws of 1973 1st ex. sess. and RCW 84.48.080 are each amended to read as follows:

Annually during the month of August, the department of revenue shall examine and compare the returns of the assessment of the property in the several counties of the state, and the assessment of the property of railroad and other companies assessed by the department, and proceed to equalize the same, so that each county in the state shall pay its due and just proportion of the taxes for state purposes for such assessment year, according to the ratio the valuation of the property in each county bears to the total valuation of all property in the state.

First. The department shall classify all property, real and personal, and shall raise and lower the valuation of any class of property in any county to a value that shall be equal, so far as possible, to the true and fair value of such class as of January 1st of the current year for the purpose of ascertaining the just amount of tax due from each county for state purposes. Such classification may be on the basis of types of property, geographical areas, or both.

Second. The department shall keep a full record of its proceedings and the same shall be published annually by the department.

Third. The department shall have authority to adopt rules and regulations to enforce obedience to its orders in all matters in relation to the returns of county assessments, and the equalization of values by the department.

The department shall levy the state taxes authorized by law: PROVIDED, That the amount levied in any one year for general state purposes shall not exceed the lawful dollar rate on the dollar of the assessed value of the property of the entire state, which assessed value shall be one hundred percent of the true and fair value of such property in money; and shall apportion the amount of tax for state purposes levied by the department, among the several counties, in proportion to the valuation of the taxable property of the county for the year as equalized by the department.

After the completion of the duties hereinabove prescribed, the director of the department shall certify the record of the proceedings of the department under this section, the tax levies made for state purposes and the apportionment thereof among the counties, ~~((to the state auditor))~~ and the certification shall be available for public inspection.

Sec. 4. Section 84.48.110, chapter 15, Laws of 1961 as amended by section 11, chapter 95, Laws of 1973 and RCW 84.48.110 are each amended to read as follows:

Within three days after the ~~((receipt of the))~~ record of the proceedings of the state board of equalization is certified by the director of the department, the ~~((office of program planning and fiscal management))~~ department shall transmit to each county assessor a ~~((transcript))~~ copy of the record of the proceedings of the board, specifying the amount to be levied and collected on said assessment books for state purposes for such year, and in addition thereto it shall certify to each county assessor the amount due to each state fund and unpaid from such county for the seventh preceding year, and such delinquent state taxes shall be added to the amount levied for the current year. The ~~((office of program planning and fiscal management))~~ department shall close the account of each county for the seventh preceding year and charge the amount of such delinquency to the tax levy of the current year. All taxes collected on and after the first day of July last preceding such certificate, on account of delinquent state taxes for the seventh preceding year shall belong to the county and by the county treasurer be credited to the current expense fund of the county in which collected.

Sec. 5. Section 84.48.120, chapter 15, Laws of 1961 as amended by section 206, chapter 278, Laws of 1975 1st ex. sess. and RCW 84.48.120 are each amended to read as follows:

It shall be the duty of the county assessor of each county, when he shall have received from the state department of revenue the assessed valuation of the property of railroad and other companies assessed by the department of revenue and apportioned to the county, and placed the same on the tax rolls, and received the report of the ~~((state auditor))~~ department of revenue

of the amount of taxes levied for state purposes, to compute the required percent on the assessed value of property in the county, and such state taxes shall be extended on the tax rolls in the proper column: PROVIDED, That the rates so computed shall not be such as to raise a surplus of more than five percent over the total amount required by the state board of equalization.

NEW SECTION. Sec. 6. The office of financial management and the state auditor shall take such steps and transmit to the department of revenue such books and records as may be necessary to accomplish the transfer of duties to the department of revenue under sections 3 through 5 of this act.

Sec. 7. Section 84.56.280, chapter 15, Laws of 1961 and RCW 84.56-.280 are each amended to read as follows:

Immediately after the last day of each month, the county treasurer shall pay over to the state treasurer the amount collected by him and credited to the various state funds, but every such payment shall be subject to correction for error discovered upon the quarterly settlement next following. The county auditor shall at the same time ascertain and report to the ((~~state auditor~~)) department of revenue in writing the amounts due to the various state funds. If they are not paid to the state treasurer before the twentieth day of the month he shall make a sight draft on the county treasurer for such amount. On the first Mondays of January, April, July, and October, respectively, of each year, the county treasurer shall make full settlement with the county auditor of his receipts and collections for all purposes from the date of the last settlement up to and including the last day of the preceding month. The county auditor shall, on or before the fifteenth day of the month in which such settlement is made, notify the ((~~state auditor~~)) department of revenue of the result of the quarterly settlement with the county treasurer. Should any county treasurer fail or refuse to honor the draft or make payment of the amount thereon, except for manifest error or other good and sufficient cause, he shall be guilty of nonfeasance in office and upon conviction thereof shall be punished according to law.

Sec. 8. Section 84.56.290, chapter 15, Laws of 1961 and RCW 84.56-.290 are each amended to read as follows:

Whenever any tax shall have been heretofore, or shall be hereafter, canceled, reduced or modified in any final judicial proceeding; or whenever any tax shall have been heretofore, or shall be hereafter canceled by sale of property to any irrigation district under foreclosure proceedings for delinquent irrigation district assessments; or whenever any contracts or leases on public lands shall have been heretofore, or shall be hereafter, canceled and the tax thereon remains unpaid for a period of two years, the ((~~state auditor~~)) director of revenue shall, upon receipt from the county auditor of a

certified copy of the final judgment or decree canceling, reducing or modifying taxes, or of a certificate from the county treasurer of the cancellation by sale to an irrigation district, or of a certificate from the commissioner of public lands and the county treasurer of the cancellation of public land contracts or leases and nonpayment of taxes thereon, as the case may be, make corresponding entries and corrections on his records of the state's portion of reduced or canceled tax and shall notify the county auditor thereof who shall make like entries and corrections on his tax roll records.

Upon canceling taxes deemed uncollectible, the county commissioners shall notify the county auditor of such action, whereupon the county auditor shall deduct on his records the amount of such uncollectible taxes due the various state funds and shall immediately notify the ((state auditor)) department of revenue of his action and of the reason therefor; which uncollectible tax shall not then nor thereafter be due or owing the various state funds and the necessary corrections shall be made by the county treasurer upon the quarterly settlement next following.

When any assessment of property is made which does not appear on the assessment list certified by the county board of equalization to the state board of equalization the county assessor shall indicate to the county auditor the assessments and the taxes due therefrom when the list is delivered to the county auditor on December 15th. The county auditor shall then notify the ((state auditor)) department of revenue of the taxes due the state from the assessments which did not appear on the assessment list certified by the county board of equalization to the state board of equalization. The county treasurer shall make proper accounting to the county auditor of all sums collected as either advance tax or supplemental or omitted tax, whereupon the county auditor shall notify the ((state auditor)) department of revenue of the amounts due the various state funds according to the levy used in extending such tax and those amounts shall immediately become due and owing to the various state funds, to be paid to the state treasurer in the same manner as taxes extended on the regular tax roll.

NEW SECTION. Sec. 9. If any provision of this 1979 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 17, 1979.

Passed the House April 11, 1979.

Approved by the Governor April 26, 1979.

Filed in Office of Secretary of State April 26, 1979.

CHAPTER 87

[Senate Bill No. 3077]

DRIVER'S LICENSE RENEWAL PROCESS—PHOTOGRAPHIC IDENTIFICATION

AN ACT Relating to drivers' licenses; and adding a new section to chapter 46.20 RCW.

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

NEW SECTION. Section 1. There is added to chapter 46.20 RCW a new section to read as follows:

The department of licensing shall establish a procedure for renewal of drivers' licenses under this chapter which does not deprive the applicant during the renewal process of an identification bearing the applicant's photograph.

This identification shall be designed to and shall be accepted as proper identification under RCW 66.16.040.

Passed the Senate April 2, 1979.

Passed the House April 11, 1979.

Approved by the Governor April 26, 1979.

Filed in Office of Secretary of State April 26, 1979.

CHAPTER 88

[Senate Bill No. 3115]

INSTITUTIONS OF HIGHER EDUCATION—INSURANCE PROTECTION FOR REGENTS, TRUSTEES, STUDENTS, EMPLOYEES

AN ACT Relating to higher education; and reenacting section 28B.10.660, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 9, Laws of 1973 1st ex. sess. and by section 4, chapter 147, Laws of 1973 1st ex. sess. and RCW 28B.10.660.

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

Section 1. Section 28B.10.660, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 9, Laws of 1973 1st ex. sess. and by section 4, chapter 147, Laws of 1973 1st ex. sess. and RCW 28B.10.660 are each reenacted to read as follows:

The regents or trustees of any of the state's institutions of higher education may make available liability, life, health, health care, accident, disability and salary protection or insurance or any one of, or a combination of, the enumerated types of insurance, or any other type of insurance or protection, for the regents or trustees and students of the institution. The premiums due on such protection or insurance shall be borne by the assenting regents, trustees, or students. The regents or trustees of any of the state institutions of higher education may make liability insurance available for employees of the institutions. The premiums due on such liability insurance shall be borne by the university or college.

Passed the Senate April 2, 1979.

Passed the House April 11, 1979.

Approved by the Governor April 26, 1979.

Filed in Office of Secretary of State April 26, 1979.

CHAPTER 89

[Engrossed Substitute Senate Bill No. 2161]

CITIES AND TOWNS—PUBLIC WORKS CONTRACTS—SMALL WORKS
ROSTER—ADVERTISEMENT AND COMPETITIVE BIDDING

AN ACT Relating to public works contracts for cities and towns; amending section 1, chapter 56, Laws of 1975 1st ex. sess. and RCW 35.22.620; and amending section 35.23.352, chapter 7, Laws of 1965 as last amended by section 1, chapter 41, Laws of 1977 ex. sess. and RCW 35.23.352; adding a new section to chapter 35A.43 RCW; adding a new section to chapter 35.22 RCW; and adding a new section to chapter 35.23 RCW.

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

Section 1. Section 1, chapter 56, Laws of 1975 1st ex. sess. and RCW 35.22.620 are each amended to read as follows:

(1) Any public work or improvement of a first class city shall be done by contract pursuant to public notice and call for competitive bids, whenever the estimated cost of such work or improvement, including the cost of materials, supplies, and equipment will exceed the sum of ten thousand dollars: PROVIDED, That whenever this public work or improvement is for construction of water mains, such sum shall be fifteen thousand dollars. When any emergency shall require the immediate execution of such public work, upon the finding of the existence of such emergency by the authority having power to direct such public work to be done and duly entered of record, publication of description and estimate may be made within seven days after the commencement of the work.

(2) In addition to the procedures of subsection (1) of this section, a first class city may use a small works roster and award contracts under this subsection for contracts of thirty thousand dollars or less.

(a) The city may maintain a small works roster comprised of all contractors who have requested to be on the roster and are, where required by law, properly licensed or registered to perform such work in this state.

(b) Whenever work is done by contract, the estimated cost of which is thirty thousand dollars or less, and the city uses the small works roster, the city shall invite proposals from all appropriate contractors on the small works roster; PROVIDED, That whenever possible, the city shall invite at least one proposal from a minority contractor who shall otherwise qualify under this section. Such invitation shall include an estimate of the scope and nature of the work to be performed, and materials and equipment to be furnished.

(c) When awarding such a contract for work, the estimated cost of which is thirty thousand dollars or less, the city shall award the contract to the contractor submitting the lowest responsible bid.

Sec. 2. Section 35.23.352, chapter 7, Laws of 1965 as last amended by section 1, chapter 41, Laws of 1977 ex. sess. and RCW 35.23.352 are each amended to read as follows:

(1) Any second or third class city or any 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))~~ fifteen thousand dollars. Whenever the cost of such public work or improvement, including materials, supplies and equipment, will exceed ~~((five))~~ fifteen 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 or town 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. When 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.

(2) In addition to the procedures of subsection (1) of this section, a second or third class city or a town may use a small works roster and award contracts under this subsection for contracts of twenty thousand dollars or less.

(a) The city or town may maintain a small works roster comprised of all contractors who have requested to be on the roster and are, where required by law, properly licensed or registered to perform such work in this state.

(b) Whenever work is done by contract, the estimated cost of which is twenty thousand dollars or less, and the city uses the small works roster, the city or town shall invite proposals from all appropriate contractors on the small works roster: PROVIDED, That whenever possible, the city or town shall invite at least one proposal from a minority contractor who shall otherwise qualify under this section. Such invitation shall include an estimate of the scope and nature of the work to be performed, and materials and equipment to be furnished.

(c) When awarding such a contract for work, the estimated cost of which is twenty thousand dollars or less, the city or town shall award the contract to the contractor submitting the lowest responsible bid.

(3) 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; PROVIDED, That the limitations herein shall not apply to any purchases of materials at auctions conducted by the government of the United States, any agency thereof or by the state of Washington or a political subdivision thereof ((in the same method and under the same conditions as required herein on a call for bids for public work or improvement)).

(4) 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.

(5) For advertisement and competitive bidding to be dispensed with as to purchases between two thousand and four thousand dollars, the city legislative authority must authorize by resolution a procedure for securing telephone and/or written quotations from enough vendors to assure establishment of a competitive price and for awarding such contracts for purchase of materials, equipment, or services to the lowest responsible bidder. Immediately after the award is made, the bid quotations obtained shall be recorded and open to public inspection and shall be available by telephone inquiry.

NEW SECTION. Sec. 3. There is added to chapter 35A.43 RCW a new section to read as follows:

Procedures for any public work or improvement contracts or purchases for code cities shall be governed by the following statutes, as indicated:

(1) For code cities of twenty thousand population or over, RCW 35.22-.620, as now or hereafter amended, and section 5 of this 1979 act; and

(2) For code cities under twenty thousand population; RCW 35.23.352, as now or hereafter amended, and section 6 of this 1979 act.

*** *NEW SECTION. Sec. 4. There is added to chapter 35.22 RCW a new section to read as follows:***

For any public work or improvement of a first class city, municipal work forces may be combined with those of private contractors so long as the dollar value of the city's share does not exceed seven thousand five hundred dollars.

*Sec. 4. was vetoed, see message at end of chapter.

**** NEW SECTION. Sec. 5. There is added to chapter 35.23 RCW a new section to read as follows:***

For any public work or improvement of a second or third class city or of a town, municipal work forces may be combined with those of private contractors so long as the dollar value of the city's or town's share does not exceed eleven thousand two hundred fifty dollars.

*Sec. 5. was vetoed, see message at end of chapter.

Passed the Senate April 17, 1979.

Passed the House April 11, 1979.

Approved by the Governor April 26, 1979, with the exception of Sections 4 and 5 which are vetoed.

Filed in Office of Secretary of State April 26, 1979.

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

"I am returning herewith without my approval as to two sections of Substitute Senate Bill No. 2161 entitled:

"AN ACT Relating to public works contracts for cities and towns."

This bill provides cities and towns the needed flexibility to award low valued contracts. It provides for the establishment of small public works contractor rosters, and for second and third class cities and towns it increases from five to fifteen thousand dollars the value of a contract that may be let for public works projects and maintenance without competitive bids.

Sections 4 and 5 would permit the combining of municipal work forces with those of private contractors. These two sections fail to define the "dollar value of the city's or town's share" except in amount. This may create substantial confusion in the future with regard to labor and material costs, and equipment and overhead charges. Although the dollar amount is limited and places a significant constraint on this activity, there is a potential for future problems. There may be difficulties in finding fault, with possible protracted litigation, in the event of an accident during construction or finding of error upon completion of the project. Problems in employee relations could easily develop by having both public and private sector employees working side by side on the same job, because the wages, working hours, holiday schedules and working conditions are considerably different in the two sectors. My intention is to preclude such problems.

With the exceptions of Sections 4 and 5, which I have vetoed, the remainder of Substitute Senate Bill No. 2161 is approved."

CHAPTER 90

[Substitute House Bill No. 295]

NATIONAL GUARD EDUCATIONAL ASSISTANCE PROGRAM

AN ACT Relating to the Washington National Guard; creating new sections; and adding new sections to chapter 38.40 RCW.

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

NEW SECTION. Section 1. There is added to chapter 38.40 RCW a new section to read as follows:

Any enlisted member of the national guard of Washington enrolled in any institution of higher education as defined in RCW 28B.10.802(1), or who shall enroll in any such institution of higher education on or after the effective date of this act, shall upon completion of basic military training, and upon the meeting of such other eligibility requirements as established by the military department of the state of Washington, be eligible to apply for a national guard educational assistance grant of not to exceed one thousand dollars per year for any one recipient during the normal academic year. Grant funds may be applied to reimbursable educational costs for eligible items, which include: (1) Tuition, or the charge for instruction for the institution in which enrolled, (2) fees, which would include matriculation, graduation, activities and services fees, or incidental fees, and (3) costs of books, book rental, institutional services or laboratory supplies: PROVIDED, That such grant funds may not be applied to hospital and medical insurance fees, costs of dormitory residency, food, or personal maintenance. Application for these grants shall be made to the military department of the state of Washington. Entitlement shall be certified by the adjutant general. Such entitlement shall be available so long as the member of the national guard of Washington meets and maintains the specific requirements for receiving the grant as established by the military department of the state of Washington and pursues a course of study in such institution. Eligibility shall further be limited to twelve academic quarters or the equivalent thereof. Eligibility shall cease at the end of the academic year in which a recipient completes twelve years of creditable military service. Any enlisted member of the national guard of Washington who becomes a commissioned or warrant officer in the national guard of Washington after establishing eligibility for this grant shall not lose eligibility for this reason.

NEW SECTION. Sec. 2. There is added to chapter 38.40 RCW a new section to read as follows:

The national guard educational assistance program, as provided for in section 1 of this act, shall be funded as a line item in the budget of the military department of the state of Washington. The adjutant general shall be solely responsible for the development and administration of the national guard educational assistance program. Payment of grant funds shall be made to recipients by reimbursement upon submission of paid vouchers for eligible items.

NEW SECTION. Sec. 3. The national guard educational assistance program established under section 1 of this act shall terminate for any period of time during which mandatory national military conscription is in effect.

NEW SECTION. Sec. 4. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the House April 23, 1979.

Passed the Senate April 6, 1979.

Approved by the Governor April 27, 1979.

Filed in Office of Secretary of State April 27, 1979.

CHAPTER 91

[House Bill No. 229]

PUBLIC LIVESTOCK MARKETS—LICENSE FEE

AN ACT Relating to public livestock markets; amending section 3, chapter 107, Laws of 1959 as last amended by section 1, chapter 192, Laws of 1971 ex. sess. and RCW 16.65.030; and amending section 4, chapter 107, Laws of 1959 and RCW 16.65.040.

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

Section 1. Section 3, chapter 107, Laws of 1959 as last amended by section 1, chapter 192, Laws of 1971 ex. sess. and RCW 16.65.030 are each amended to read as follows:

~~((1))~~ (1) On and after ~~((the effective date of this chapter))~~ June 10, 1959, no person shall operate a public livestock market without first having obtained a license from the director. Application for such license or renewal thereof shall be in writing on forms prescribed by the director, and shall include the following:

~~((1))~~ (a) A legal description of the property upon which the public livestock market shall be located.

~~((2))~~ (b) A complete description and blueprints or plans of the public livestock market physical plant, yards, pens and all facilities the applicant proposes to use in the operation of such public livestock market.

~~((3))~~ (c) A detailed statement showing all the assets and liabilities of the applicant.

~~((4))~~ (d) The schedule of rates and charges the applicant proposes to impose on the owners of livestock for services rendered in the operation of such livestock market.

~~((5))~~ (e) The weekly or monthly sales day or days on which the applicant proposes to operate his public livestock market sales.

~~((6))~~ (f) Projected source and quantity of livestock, by county, anticipated to be handled.

~~((7))~~ (g) Projected income and expense statements for the first year's operation.

~~((8))~~ (h) Facts upon which are based the conclusion that the trade area and the livestock industry will benefit because of the proposed market.

~~((9))~~ (i) Such other information as the director may reasonably require.

(2) The director shall, after public hearing as provided by chapter 34.04 RCW, grant or deny an application for original license for a public livestock market after considering evidence and testimony relating to all requirements and giving reasonable consideration at the same hearing to:

~~((1))~~ (a) Benefits to the livestock industry to be derived from the establishment and operation of the public livestock market proposed in the application; and

~~((2))~~ (b) The present market services elsewhere available to the trade area proposed to be served.

(3) Such application shall be accompanied by a license fee ~~((of one hundred dollars))~~ based on the average gross sales volume per official sales day of that market:

(a) Markets with an average gross sales volume up to and including ten thousand dollars, a one hundred dollar fee;

(b) Markets with an average gross sales volume over ten thousand dollars and up to and including fifty thousand dollars, a two hundred dollar fee; and

(c) Markets with an average gross sales volume over fifty thousand dollars, a three hundred dollar fee.

(4) Any applicant operating more than one public livestock market shall make a separate application for a license to operate each such public livestock market, and each such application shall be accompanied by ~~((a))~~ the appropriate license fee ~~((of one hundred dollars))~~.

(5) Upon the approval of the application by the director and compliance with the provisions of this chapter, the applicant shall be issued a license or renewal thereof. Any license issued under the provisions of this chapter shall only be valid at location and for the sales day or days for which the license was issued.

Sec. 2. Section 4, chapter 107, Laws of 1959 and RCW 16.65.040 are each amended to read as follows:

All licenses provided for in this chapter shall expire on March 1st subsequent to the date of issue. Any person who fails, refuses, or neglects to apply for a renewal of a preexisting license on or before the date of expiration, shall pay a penalty of twenty-five dollars, which shall be added to the regular ~~((one hundred dollar))~~ license fee, before such license may be renewed by the director.

Passed the House March 21, 1979.

Passed the Senate April 17, 1979.

Approved by the Governor April 27, 1979.

Filed in Office of Secretary of State April 27, 1979.

CHAPTER 92

[Substitute House Bill No. 254]

PUBLIC ASSISTANCE—FAIR HEARINGS—REVIEW—OVERPAYMENT
RECOVERY

AN ACT Relating to public assistance; and amending section 74.08.070, chapter 26, Laws of 1959 as amended by section 1, chapter 172, Laws of 1969 ex. sess. and RCW 74.08.070.

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

Section 1. Section 74.08.070, chapter 26, Laws of 1959 as amended by section 1, chapter 172, Laws of 1969 ex. sess. and RCW 74.08.070 are each amended to read as follows:

Any applicant or recipient feeling himself aggrieved by the decision of the department or any authorized agency of the department shall have the right to a fair hearing to be conducted by the ~~((director))~~ secretary of the department or by a duly appointed, qualified ~~((and acting supervisor thereof, or by an))~~ hearing examiner especially appointed by the ~~((director))~~ secretary for such purpose. The hearing shall be conducted in the county in which the appellant resides, and a ~~((transcript))~~ tape recording of the testimony shall be made and included in the record, the costs of which shall be borne by the department. A copy of this ~~((transcript))~~ tape recording shall be ~~((given))~~ provided the appellant if request for same is made in writing by the appellant or his attorney of record.

In the event an appellant feels aggrieved by the decision in a fair hearing under this section, and if the appellant files an appeal to the superior court for judicial review in accordance with chapter 34.04 RCW as now or hereafter amended, the appellant is entitled to a typed transcript of the tape recordings or such portion thereof as the applicant requests from the department, if the request is made by the appellant or the appellant's attorney of record.

Any appellant who desires a fair hearing shall within ~~((thirty))~~ ninety days after receiving notice of the decision of the department or an authorized agency of the department, file with the ~~((director))~~ secretary a notice of appeal from the decision. The department shall notify the appellant of the time and place of said hearing at least twenty days prior to the date thereof by registered mail or by personal service upon said appellant, unless otherwise agreed by appellant and the department.

At any time after the filing of the notice of appeal with the ~~((director))~~ secretary, any appellant or attorney for appellant with written authorization or next of kin shall have the right of access to, and can examine any files and records of the department ~~((in))~~ related to the case of appeal.

It shall be the duty of the department within ~~((sixty))~~ seventy-five days after receipt of the notice of appeal to notify the appellant of the decision of the ~~((director))~~ secretary: PROVIDED, That any overpayment which the

department may be entitled to recover as a result of such decision shall be limited to the amount recoverable up to the sixtieth day after receipt of the notice of appeal.

If the decision of the ((director)) secretary is made in favor of the appellant, assistance shall be paid from the date of the denial of the application or forty-five days following the date of application, whichever is sooner; or in the case of a recipient, from the effective date of the initial departmental county office decision.

Passed the House April 2, 1979.

Passed the Senate April 17, 1979.

Approved by the Governor April 27, 1979.

Filed in Office of Secretary of State April 27, 1979.

CHAPTER 93

[House Bill No. 351]

AGRICULTURAL COMMODITY MARKETING ORDERS—ANNUAL ASSESSMENT FEE

AN ACT Relating to agriculture; and amending section 15.66.150, chapter 11, Laws of 1961 and RCW 15.66.150.

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

Section 1. Section 15.66.150, chapter 11, Laws of 1961 and RCW 15.66.150 are each amended to read as follows:

There is hereby levied, and there shall be collected by each commission, upon each and every unit of any agricultural commodity specified in any marketing order an annual assessment which shall be paid by the producer thereof upon each and every such unit sold, processed, stored or delivered for sale, processing or storage by him. Such assessments shall be expressed as a stated amount of money per unit. The total amount of such annual assessment to be paid by all affected producers of such commodity shall not exceed((:

(1) ~~In the case of wheat, one-half cent per bushel;~~

(2) ~~In the case of all other commodities,))~~ three percent of the total market value of all affected units sold, processed, stored or delivered for sale, processing or storage by all affected producers of such units during the year to which the assessment applies.

Every marketing order shall prescribe the per unit rate of such assessment. Such rate may be at the full amount of, or at any lesser amount than the amount hereinabove limited and may be altered from time to time by amendment of such order. In every such marketing order and amendment the determination of such rate shall be based upon the volume and price of sales of affected units during a period which the director determines to be a representative period. The per unit rate of assessment prescribed in any such order or amendment shall for all purposes and times be deemed to be

within the limits of assessment above provided until such time as such order is amended as to such rate. However, at the end of any year, any affected producer may obtain a refund from the commission of any assessment payments made which exceed three percent of the total market value of all of the affected commodity sold, processed, stored or delivered for sale, processing or storage by such producer during the year. Such refund shall be made only upon satisfactory proof given by such producer in accordance with reasonable rules and regulations prescribed by the director. Such market value shall be based upon the average sales price received by such producer during the year from all his bona fide sales or, if such producer did not sell twenty-five percent or more of all of the affected commodity produced by him during the year, such market value shall be determined by the director upon other sales of the affected commodity determined by the director to be representative and comparable. No assessment or rate or amendment thereof shall apply in any order unless and until confirmed by a majority of affected producers participating in a vote taken in the manner by this chapter providing for the election of commission members.

To collect such assessment each order may require:

(1) Stamps to be purchased from the affected commodity commission or other authority stated in such order and attached to the containers, invoices, shipping documents, inspection certificates, releases, or receiving receipts or tickets (said stamps to be canceled immediately upon being attached and the date of cancellation placed thereon).

(2) Payment of producer assessments before the affected units are shipped off the farm or payment of assessments at different or later times, and in such event the order may require any person subject to the assessment to give adequate assurance or security for its payment.

(3) Every affected producer subject to assessment under such order to deposit with the commission in advance an amount based on the estimated number of affected units upon which such person will be subject to such assessment in any one year during which such marketing order is in force, or upon any other basis which the director determines to be reasonable and equitable and specifies in such order, but in no event shall such deposit exceed twenty-five percent of the estimated total annual assessment payable by such person. At the close of such marketing year the sums so deposited shall be adjusted to the total of such assessments payable by such person.

(4) Handlers receiving the affected commodity from the producer, including warehousemen and processors, to collect producer assessments from producers whose production they handle and remit the same to the affected commission. The lending agency for a commodity credit corporation loan to producers shall be deemed a handler for the purpose of this subsection. No affected units shall be transported, carried, shipped, sold, stored or otherwise handled or disposed of until every due and payable assessment herein

provided for has been paid and the receipt issued, but no liability hereunder shall attach to common carriers in the regular course of their business.

Passed the House March 21, 1979.

Passed the Senate April 17, 1979.

Approved by the Governor April 27, 1979.

Filed in Office of Secretary of State April 27, 1979.

CHAPTER 94

[House Bill No. 460]

SPECIALIZED FOREST PRODUCTS

AN ACT Relating to specialized forest products; amending section 3, chapter 47, Laws of 1967 ex. sess. as amended by section 1, chapter 147, Laws of 1977 ex. sess. and RCW 76.48.020; amending section 4, chapter 47, Laws of 1967 ex. sess. as amended by section 2, chapter 147, Laws of 1977 ex. sess. and RCW 76.48.030; amending section 5, chapter 47, Laws of 1967 ex. sess. as amended by section 3, chapter 147, Laws of 1977 ex. sess. and RCW 76.48.040; amending section 6, chapter 47, Laws of 1967 ex. sess. as amended by section 4, chapter 147, Laws of 1977 ex. sess. and RCW 76.48.050; amending section 7, chapter 47, Laws of 1967 ex. sess. as amended by section 5, chapter 147, Laws of 1977 ex. sess. and RCW 76.48.060; amending section 8, chapter 47, Laws of 1967 ex. sess. as amended by section 6, chapter 147, Laws of 1977 ex. sess. and RCW 76.48.070; amending section 9, chapter 47, Laws of 1967 ex. sess. and RCW 76.48.080; amending section 14, chapter 147, Laws of 1977 ex. sess. and RCW 76.48.092; amending section 11, chapter 147, Laws of 1977 ex. sess. and RCW 76.48.094; amending section 12, chapter 147, Laws of 1977 ex. sess. and RCW 76.48.096; amending section 13, chapter 147, Laws of 1977 ex. sess. and RCW 76.48.098; amending section 11, chapter 47, Laws of 1967 ex. sess. as amended by section 7, chapter 147, Laws of 1977 ex. sess. and RCW 76.48.100; amending section 12, chapter 47, Laws of 1967 ex. sess. as amended by section 8, chapter 147, Laws of 1977 ex. sess. and RCW 76.48.110; amending section 13, chapter 47, Laws of 1967 ex. sess. as amended by section 9, chapter 147, Laws of 1977 ex. sess. and RCW 76.48.120; adding a new section to chapter 76.48 RCW; repealing section 10, chapter 47, Laws of 1967 ex. sess. and RCW 76.48.090; and prescribing penalties.

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

Section 1. Section 3, chapter 47, Laws of 1967 ex. sess. as amended by section 1, chapter 147, Laws of 1977 ex. sess. and RCW 76.48.020 are each amended to read as follows:

Unless otherwise required by the context, as used in this chapter:

(1) "Christmas trees" shall mean any evergreen trees or the top thereof, commonly known as Christmas trees, with limbs and branches, with or without roots, including fir, pine, spruce, cedar, and other coniferous species.

(2) "Native ornamental trees and shrubs" shall mean any trees or shrubs which are not nursery grown and which have been removed from the ground with the roots intact.

(3) "Cut or picked evergreen foliage," commonly known as brush, shall mean evergreen boughs, huckleberry, salal, fern, Oregon grape, rhododendron, and other cut or picked evergreen products.

(4) "Cedar products" shall mean cedar shakeboards, shake and shingle bolts, and rounds one to three feet in length.

(5) "Cedar salvage" shall mean cedar chunks, slabs, stumps, and logs having a volume greater than one cubic foot and being harvested or transported from areas not associated with the concurrent logging of timber stands (a) under a forest practices application approved or notification received by the department of natural resources, or (b) under a contract or permit issued by an agency of the United States government.

(6) "Processed cedar products" shall mean cedar shakes, shingles, fence posts, hop poles, pickets, stakes, or rails; or rounds less than one foot in length.

(7) "Cedar processor" shall mean any person who purchases and/or takes or retains possession of cedar products or cedar salvage, for later sale in the same or modified form, following their removal and delivery from the land where harvested.

(8) "Cascara bark" shall mean the bark of a Cascara tree.

(9) "Specialized forest products" shall mean Christmas trees, native ornamental trees and shrubs, cut or picked evergreen foliage, cedar products, cedar salvage, processed cedar products, and Cascara bark.

(10) "Person" shall include the plural and all corporations foreign or domestic, copartnerships, firms, and associations of persons.

(11) "Harvest" shall mean to separate, by cutting, prying, picking, peeling, breaking, pulling, splitting, or otherwise removing, a specialized forest product (a) from its physical connection with or contact with the land or vegetation upon which it was or has been growing, or (b) from the position in which it has been lying upon such land.

(12) "Transportation" means the physical conveyance of specialized forest products outside or off of a harvest site, including but not limited to conveyance by a motorized vehicle designed for use on improved roadways, or by vessel, barge, raft, or other waterborne conveyance. "Transportation" also means any conveyance of specialized forest products by helicopter.

(13) "Landowner" means, with regard to any real property, the private owner thereof, the state of Washington or any political subdivision thereof, the federal government, or any person who by deed, contract, or lease has authority to harvest and sell forest products of the property. "Landowner" does not include the purchaser or successful high bidder at any public or private timber sale.

(14) "Authorization" means a properly completed preprinted form authorizing the transportation or possession of Christmas trees, which form contains the information required by RCW 76.48.080, and a sample of which is filed before the harvesting occurs with the sheriff of the county in which the harvesting is to occur.

(15) "Harvest site" means each location where one or more persons are engaged in harvesting specialized forest products close enough to each other that communication can be conducted with an investigating law enforcement officer in a normal conversational tone.

(16) "~~((Harvesting))~~ Specialized forest products permit" shall mean a printed document in ~~((writing))~~ a form specified by the department of natural resources, or true copy thereof, signed by a landowner~~((;))~~ or his duly authorized agent or representative~~((, or by a lessee of land))~~ (herein referred to as "permittors"), and validated by the county sheriff, authorizing a designated person (herein referred to as "permittee"), who shall also have signed the permit, to harvest and/or transport~~((, except while on federal lands,))~~ a designated specialized forest product from land owned or controlled and specified by the permittor, located in the county where such permit is issued.

(17) "Sheriff" means, for the purpose of validating specialized forest products permits, the county sheriff, deputy sheriff, or an authorized employee of the sheriff's office.

~~((+3))~~ (18) "~~((=harvesting permit))~~ True copy" ~~((shall be))~~ means a replica of a validated ~~((harvesting))~~ specialized forest products permit as reproduced by a copy machine capable of effectively reproducing the information contained on the permittee's copy of the ~~((harvesting))~~ specialized forest products permit. A copy is made true by the permittee or the permittee and permittor ~~((affixing an original signature(s))~~ signing in the space provided on the face of the copy. A true copy will be effective until the expiration date of the ~~((harvesting))~~ specialized forest products permit unless the permittee or the permittee and permittor specify an earlier date. A permittor ~~((can))~~ may require the ~~((original))~~ actual signatures of both the permittee and permittor for ~~((executing))~~ execution of a true copy by so indicating in the space provided on the original copy of the ~~((harvesting))~~ specialized forest products permit. A permittee, or, if so indicated, the permittee and permittor, may condition the use of the true copy to harvesting only, transportation only, possession only, or any combination thereof.

Sec. 2. Section 4, chapter 47, Laws of 1967 ex. sess. as amended by section 2, chapter 147, Laws of 1977 ex. sess. and RCW 76.48.030 are each amended to read as follows:

It shall be unlawful for any person to:

(1) Harvest specialized forest products as described in RCW 76.48.020, in the quantities specified in RCW 76.48.060, without first obtaining a validated ~~((harvesting))~~ specialized forest products permit~~((;))~~;

(2) Engage in activities or phases of harvesting specialized forest products not authorized by the permit; or

~~((It shall also be unlawful to))~~ (3) Harvest specialized forest products in any lesser quantities than those specified in RCW 76.48.060, as now or hereafter amended, without first obtaining permission from the landowner ~~((or lessee))~~ or his duly authorized agent or representative.

Sec. 3. Section 5, chapter 47, Laws of 1967 ex. sess. as amended by section 3, chapter 147, Laws of 1977 ex. sess. and RCW 76.48.040 are each amended to read as follows:

Agencies charged with the enforcement of this chapter shall include, but not be limited to, the Washington state patrol, county sheriffs and their deputies, county or municipal police forces, authorized personnel of the United States forest service, and authorized personnel of the departments of natural resources, fisheries, and game. Primary enforcement responsibility lies in the county sheriffs and ((his)) their deputies.

Sec. 4. Section 6, chapter 47, Laws of 1967 ex. sess. as amended by section 4, chapter 147, Laws of 1977 ex. sess. and RCW 76.48.050 are each amended to read as follows:

~~((Harvesting))~~ Specialized forest products permits shall consist of properly completed permit forms validated by the sheriff of the county in which the specialized forest products are to be harvested. All ~~((harvesting))~~ specialized forest products permits shall expire at the end of the calendar year in which issued, or sooner, at the discretion of the permittor. A properly completed ~~((harvesting))~~ specialized forest products permit form shall include:

- (1) The date of its execution and expiration;
- (2) The name, address, telephone number, if any, and signature of the permittor;
- (3) The name, address, telephone number, if any, and signature of the permittee;
- (4) The type of specialized forest products to be harvested or transported;
- (5) The approximate amount or volume of specialized forest products to be harvested or transported;
- (6) The legal description of the property from which the specialized forest products are to be harvested or transported, including the name of the county, or the state or province if outside the state of Washington;
- (7) A description by local landmarks of where the harvesting is to occur, or from where the specialized forest products are to be transported;
- (8) Any other condition or limitation which the permittor may specify.

Sec. 5. Section 7, chapter 47, Laws of 1967 ex. sess. as amended by section 5, chapter 147, Laws of 1977 ex. sess. and RCW 76.48.060 are each amended to read as follows:

A ~~((harvesting))~~ specialized forest products permit validated by the county sheriff shall be obtained by any person prior to harvesting from any lands, including his own, more than five Christmas trees, more than five ornamental trees or shrubs, more than five pounds of cut or picked evergreen foilage, any cedar products, cedar salvage, processed cedar products, or more than five pounds of Cascara bark. ~~((Harvesting))~~ Specialized forest products permit forms shall be provided by the department of natural resources, and shall be made available through the office of the county sheriff to permittees or permittors in reasonable quantities. A ~~((harvesting))~~ permit form shall be completed~~((;))~~ in triplicate~~((;))~~ for each ~~((land ownership))~~

permitter's property on which a permittee harvests specialized forest products. A properly completed ~~((harvesting))~~ permit form shall be mailed or presented for validation to the sheriff of the county in which the specialized forest products are to be harvested. Before a permit form is validated by the sheriff ~~((or the sheriff's representative))~~, sufficient personal identification may be required to reasonably identify the person mailing or presenting the permit form and the sheriff may conduct such other investigations as deemed necessary to determine the validity of the information alleged on the form. When the sheriff ~~((or sheriff's representative))~~ is reasonably satisfied as to the truth of such information, the form shall be validated with the sheriff's validation stamp provided by the department of natural resources. Upon validation, the form shall become the ~~((harvesting))~~ specialized forest products permit authorizing the harvesting, possession and/or transportation of specialized forest products, subject to any other conditions or limitations which the permittor may specify. ~~((One copy))~~ Two copies of the permit shall be given or mailed to the ~~((permittee))~~ permittor, or one copy shall be given or mailed to the permittor~~(:)~~ and the other copy given or mailed to the permittee. The original permit ~~((form))~~ shall be ~~((filed))~~ retained in the office of the county sheriff ~~((in whose county the land is situated: PROVIDED, That))~~ validating the permit. In the event a single land ownership is situated in two or more counties, a ~~((harvesting))~~ specialized forest product permit shall be completed as to the land situated in each ~~((such))~~ county. While engaged in harvesting of specialized forest products, permittees, or their agents or employees, must have ~~((in their possession))~~ readily available at each harvest site a valid permit or true copy of the ~~((harvesting))~~ permit.

Sec. 6. Section 8, chapter 47, Laws of 1967 ex. sess. as amended by section 6, chapter 147, Laws of 1977 ex. sess. and RCW 76.48.070 are each amended to read as follows:

(1) Except as provided in RCW 76.48.100 and ~~((except while on federal lands))~~ section 15 of this 1979 act, it shall be unlawful for any person (a) to possess, and/or (b) to transport within the state of Washington, subject to any ~~((additional))~~ other conditions or limitations specified ~~((on))~~ in the ~~((harvesting))~~ specialized forest products permit by the permittor, more than five Christmas trees, more than five native ornamental trees or shrubs, more than five pounds of cut or picked evergreen foliage, any processed cedar products, or more than five pounds of Cascara bark ~~((which have been harvested within the state of Washington))~~ without having in his possession a written authorization, sales invoice, bill of lading, or ~~((harvesting))~~ specialized forest products permit or a true copy thereof ~~((bearing an original signature of the permittee))~~ evidencing his title to or authority to have possession of specialized forest products being so possessed or ~~((so))~~ transported.

(2) ~~((Except while on federal lands,))~~ It shall be unlawful for any person (a) to possess and/or (b) to transport within the state of Washington any cedar products ~~((except processed cedar products,))~~ or ~~((any))~~ cedar salvage without having in his possession a ~~((harvesting))~~ specialized forest products permit or a true copy thereof evidencing his title to or authority to have possession of the materials being so possessed or ~~((so))~~ transported.

Sec. 7. Section 9, chapter 47, Laws of 1967 ex. sess. and RCW 76.48-.080 are each amended to read as follows:

The ~~((permit))~~ authorization, sales invoice, or bill of lading required by RCW 76.48.070 shall specify:

- (1) The date of its execution.
- (2) The number and type of products ~~((, by species,))~~ sold or being transported.
- (3) The name and address of the owner, vendor, or donor of the specialized forest products.
- (4) The name and address of the vendee, donee, or receiver of the specialized forest products.
- (5) The ~~((county))~~ location of origin of the specialized forest products.

Sec. 8. Section 14, chapter 147, Laws of 1977 ex. sess. and RCW 76-48.092 are each amended to read as follows:

Following the stipulated use of a true copy of a ~~((harvesting))~~ specialized forest products permit, an agent or employee of a permittee shall surrender said copy to the permittee. A wilful failure to surrender the same to the permittee is a gross misdemeanor and punishable as provided by law.

Sec. 9. Section 11, chapter 147, Laws of 1977 ex. sess. and RCW 76-48.094 are each amended to read as follows:

Cedar processors shall make and maintain a record of the purchase, taking possession, or retention of cedar products and cedar salvage for at least one year after the date of receipt. The record shall be legible and shall include the date of delivery, the license number of the vehicle delivering the products, the driver's name, and the ~~((harvesting))~~ specialized forest products permit number or the information provided for in section 15(5) of this act. The record must be made at the time each delivery is made.

Sec. 10. Section 12, chapter 147, Laws of 1977 ex. sess. and RCW 76-48.096 are each amended to read as follows:

It shall be unlawful for any cedar processor to purchase, take possession, or retain cedar products or cedar salvage subsequent to the harvesting and prior to the retail sale of such products, unless the ~~((supplier of such products displays either a harvesting))~~ supplier thereof displays a specialized forest products permit, or true copy thereof, which appears to be valid ((or what appears to be a true copy of such a permit bearing an original signature of the permittee)), or obtains the information pursuant to section 15(5) of this act.

Sec. 11. Section 13, chapter 147, Laws of 1977 ex. sess. and RCW 76.48.098 are each amended to read as follows:

Every cedar processor shall prominently display a valid registration certificate, or copy thereof, obtained from the department of revenue pursuant to RCW 82.32.030 at each location where such processor receives cedar products or cedar salvage.

Permittees shall sell cedar products or cedar salvage only to cedar processors displaying registration certificates which appear to be valid.

Sec. 12. Section 11, chapter 47, Laws of 1967 ex. sess. as amended by section 7, chapter 147, Laws of 1977 ex. sess. and RCW 76.48.100 are each amended to read as follows:

The provisions of this chapter shall not apply to:

(1) Nursery grown products.
(2) Logs (except as included in the definition of "cedar salvage" under RCW 76.48.020), poles, pilings, or other major forest products from which substantially all of the limbs and branches have been removed, and cedar salvage when harvested concurrently with timber stands (a) under an approved forest practices application or notification, or (b) under a contract or permit issued by an agency of the United States government.

(3) The activities of a landowner, his agent, or representative, or of a lessee of land in carrying on noncommercial property management, maintenance, or improvements on or in connection with the land of such landowner or lessee.

Sec. 13. Section 12, chapter 47, Laws of 1967 ex. sess. as amended by section 8, chapter 147, Laws of 1977 ex. sess. and RCW 76.48.110 are each amended to read as follows:

Whenever any law enforcement officer has probable cause to believe that a person is harvesting or is in possession of or transporting specialized forest products in violation of the provisions of this chapter, he may, at the time of making an arrest, seize and take possession of any such specialized forest products found. The law enforcement officer shall provide reasonable protection for the specialized forest products involved during the period of litigation or he shall dispose of such specialized forest products at the discretion or order of the court before which the arrested person is ordered to appear.

Upon any disposition of the case by the court, the court shall make a reasonable effort to return the specialized forest products to their rightful owner or pay the proceeds of any sale of specialized forest products less any reasonable expenses of such sale to the rightful owner. If for any reason, the proceeds of such sale cannot be disposed of to the rightful owner, such proceeds, less the reasonable expenses of the sale, shall be paid to the treasurer of the county in which the ~~((specialized forest products are sold))~~ violation occurred. The county treasurer shall deposit the same in the county general fund. The return of the specialized forest products or the payment of the

proceeds of any sale of products seized to the owner shall not preclude the court from imposing any fine or penalty upon the violator for the violation of the provisions of this chapter.

Sec. 14. Section 13, chapter 47, Laws of 1967 ex. sess. as amended by section 9, chapter 147, Laws of 1977 ex. sess. and RCW 76.48.120 are each amended to read as follows:

It shall be unlawful for any person, upon official inquiry, investigation, or other authorized proceedings, to offer as genuine any paper, document, or other instrument in writing purporting to be a ((harvesting)) specialized forest products permit, or true copy thereof, authorization, sales invoice, or bill of lading, or to make any representation of authority to possess or conduct harvesting or transporting of specialized forest products, knowing the same to be in any manner false, fraudulent, forged, or stolen.

Any person who knowingly or intentionally violates this section shall be guilty of forgery, and shall be punished as a class C felony providing for imprisonment in a state correctional institution for a maximum term fixed by the court of not more than five years or by a fine of not more than five thousand dollars, or by both such imprisonment and fine.

Whenever any law enforcement officer reasonably suspects that a specialized forest products permit or true copy thereof, authorization, sales invoice, or bill of lading is forged, fraudulent, or stolen, it may be retained by the officer until its authenticity can be verified.

NEW SECTION. Sec. 15. There is added to chapter 76.48 RCW a new section to read as follows:

(1) It is unlawful for any person to transport or cause to be transported into this state from any other state or province specialized forest products, except those harvested from that person's own property, without: (a) First acquiring and having readily available for inspection a document indicating the true origin of the specialized forest products as being outside the state, or (b) without acquiring a specialized forest products permit as provided in subsection (4) of this section.

(2) Any person transporting or causing to be transported specialized forest products into this state from any other state or province shall, upon request of any person to whom the specialized forest products are sold or delivered or upon request of any law enforcement officer, prepare and sign a statement indicating the true origin of the specialized forest products, the date of delivery, and the license number of the vehicle making delivery, and shall leave the statement with the person making the request.

(3) It is unlawful for any person to possess specialized forest products, transported into this state, with knowledge that the products were introduced into this state in violation of this chapter.

(4) When any person transporting or causing to be transported into this state specialized forest products elects to acquire a specialized forest products permit, the specialized forest products transported into this state shall

be deemed to be harvested in the county of entry, and the sheriff of that county may validate the permit as if the products were so harvested, except that the permit shall also indicate the actual harvest site outside the state.

(5) A cedar processor shall comply with RCW 76.48.096 by requiring a person transporting specialized forest products into this state from any other state or province to display a specialized forest products permit, or true copy thereof, or other document indicating the true origin of the specialized forest products as being outside the state. The cedar processor shall make and maintain a record of the purchase, taking possession, or retention of cedar products and cedar salvage in compliance with RCW 76.48.094.

(6) If, pursuant to official inquiry, investigation, or other authorized proceeding regarding specialized forest products not covered by a valid specialized forest products permit or other acceptable document, the inspecting law enforcement officer has probable cause to believe that the specialized forest products were harvested in this state or wrongfully obtained in another state or province, the officer may take into custody and detain, for a reasonable time, the specialized forest products, all supporting documents, invoices, and bills of lading, and the vehicle in which the products were transported until the true origin of the specialized forest products can be determined.

NEW SECTION. Sec. 16. Section 10, chapter 47, Laws of 1967 ex. sess. and RCW 76.48.090 are each repealed.

NEW SECTION. Sec. 17. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the House March 21, 1979.

Passed the Senate April 12, 1979.

Approved by the Governor April 27, 1979.

Filed in Office of Secretary of State April 27, 1979.

CHAPTER 95

[Substitute House Bill No. 291]

EXCISE AND PROPERTY TAXES—COLLECTION AND ENFORCEMENT— TAX STATEMENTS, LATE MAILING

AN ACT Relating to revenue and taxation; amending section 82.32.030, chapter 15, Laws of 1961 as amended by section 77, chapter 278, Laws of 1975 1st ex. sess. and RCW 82.32.030; amending section 82.32.060, chapter 15, Laws of 1961 as last amended by section 17, chapter 299, Laws of 1971 ex. sess. and RCW 82.32.060; amending section 82.32.130, chapter 15, Laws of 1961 as last amended by section 81, chapter 278, Laws of 1975 1st ex. sess. and RCW 82.32.130; amending section 82.32.340, chapter 15, Laws of 1961 as last amended by section 184, chapter 151, Laws of 1979 and RCW 82.32.340; creating new sections; and declaring an emergency.

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

Section 1. Section 82.32.030, chapter 15, Laws of 1961 as amended by section 77, chapter 278, Laws of 1975 1st ex. sess. and RCW 82.32.030 are each amended to read as follows:

If any person engages in any business or performs any act upon which a tax is imposed by the preceding chapters, he shall, whether taxable or not, under such rules and regulations as the department of revenue shall prescribe, apply for and obtain from the department ~~((; upon payment of a fee of one dollar;))~~ a registration certificate upon making a nonrefundable deposit of twenty-five dollars which shall be credited to the taxpayer's account. Such registration certificate shall be personal and nontransferable and shall be valid as long as the taxpayer continues in business and pays the tax accrued to the state. In case business is transacted at two or more separate places by one taxpayer, a separate registration certificate for each place at which business is transacted with the public shall be required, but, for such additional certificates no ~~((fee))~~ deposit shall be required. Each certificate shall be numbered and shall show the name, residence, and place and character of business of the taxpayer and such other information as the department of revenue deems necessary and shall be posted in a conspicuous place at the place of business for which it is issued. Where a place of business of the taxpayer is changed, the taxpayer must return to the department the existing certificate, and a new certificate will be issued for the new place of business free of charge. No person shall engage in any business taxable hereunder without being registered in compliance with the provisions of this section, except that the department, by general regulation, may provide for the issuance of certificates of registration to temporary places of business without requiring the ~~((payment of any fee))~~ deposit.

Sec. 2. Section 82.32.130, chapter 15, Laws of 1961 as last amended by section 81, chapter 278, Laws of 1975 1st ex. sess. and RCW 82.32.130 are each amended to read as follows:

Notwithstanding any other law, any notice or order required by this title to be mailed to any taxpayer may be served in the manner prescribed by law for personal service of summons and complaint in the commencement of actions in the superior courts of the state, but if the notice or order is mailed, it shall be ~~((sent by mail;))~~ addressed to the address of the taxpayer as shown by the records of the department of revenue, or, if no such address is shown, to such address as the department is able to ascertain by reasonable effort. Failure of the taxpayer to receive such notice or order whether served or mailed shall not release the taxpayer from any tax or any increases or penalties thereon.

Sec. 3. Section 82.32.340, chapter 15, Laws of 1961 as last amended by section 184, chapter 151, Laws of 1979 and RCW 82.32.340 are each amended to read as follows:

Any tax or penalty which the department of revenue deems to be uncollectible, may be transferred from accounts receivable, subject to approval by

the director of financial management, to a suspense account and cease to be accounted an asset(~~(-PROVIDED, That)~~). Any item transferred shall continue to be a debt due the state from the taxpayer and may at any time within twelve years from the filing of a warrant covering such amount with the clerk of the superior court be transferred back to accounts receivable for the purpose of collection(~~(-PROVIDED FURTHER,)~~). The department of revenue may charge off as finally uncollectible any tax or penalty which it deems uncollectible at any time after twelve years from the date ~~((of the filing of a warrant covering such tax and penalty with the clerk of the superior court after))~~ that the last tax return for the delinquent taxpayer was or should have been filed if the department of revenue and the attorney general are satisfied that there are no available and lawful means by which such tax or penalty may thereafter be collected.

After any tax or penalty has been charged off as finally uncollectible under the provisions of this section, the department of revenue may destroy any or all files and records pertaining to the liability of any taxpayer for such tax or penalty.

The department of revenue, subject to the approval of the state records committee, may at the expiration of five years after the close of any taxable year, destroy any or all files and records pertaining to the tax liability of any taxpayer for such taxable year, who has fully paid all taxes, penalties and interest for such taxable year, or any preceding taxable year for which such taxes, penalties and interest have been fully paid. In the event that such files and records are reproduced on film pursuant to RCW 40.20.020 for use in accordance with RCW 40.20.030, the original files and records may be destroyed immediately after reproduction and such reproductions may be destroyed at the expiration of the above five year period, subject to the approval of the state records committee.

Sec. 4. Section 82.32.060, chapter 15, Laws of 1961 as last amended by section 17, chapter 299, Laws of 1971 ex. sess. and RCW 82.32.060 are each amended to read as follows:

If, upon receipt of an application by a taxpayer for a refund or for an audit of his records, or upon an examination of the returns or records of any taxpayer, it is determined by the department that within the ~~((two years immediately preceding the receipt by the department of the application by the taxpayer for a refund or for an audit, or, in the absence of such an application, within the two years immediately preceding the commencement by the department of such examination;))~~ statutory period for assessment of taxes prescribed by RCW 82.32.050 a tax has been paid in excess of that properly due, the excess amount paid within such period ~~((of two years))~~ shall be credited to the taxpayer's account or shall be refunded to the taxpayer, at his option. ~~((Except as to the utilization by the taxpayer of the credits in computing tax authorized by RCW 82.04.435, application for which credits must be made within two years of payment of the taxes giving~~

~~rise to such credits, no refund or credit shall be allowed with respect to any payments made to the department more than two years before the date of such application or examination. Where a refund or credit may not be made because of the lapse of said two year period, the amount of the refund or credit which would otherwise be allowable for the portion of the statutory assessment period preceding the two year period may be offset against the amount of any tax deficiency which may be determined by the department for such statutory assessment period.))~~ No refund or credit shall be made for taxes paid more than four years prior to the beginning of the calendar year in which the refund application is made or examination of records is completed.

Notwithstanding the foregoing limitations there shall be refunded or credited to taxpayers engaged in the performance of United States government contracts or subcontracts the amount of any tax paid, measured by that portion of the amounts received from the United States, which taxpayer is required by contract or applicable federal statute to refund or credit to the United States, if claim for such refund is filed by the taxpayer with the department within one year of the date that the amount of the refund or credit due to the United States is finally determined and filed within four years of the date on which the tax was paid: PROVIDED, That no interest shall be allowed on such refund.

Any such refunds shall be made by means of vouchers approved by the department and by the issuance of state warrants drawn upon and payable from such funds as the legislature may provide.

Any judgment for which a recovery is granted by any court of competent jurisdiction, not appealed from, for tax, penalties, and interest which were paid by the taxpayer, and costs, in a suit by any taxpayer shall be paid in like manner, upon the filing with the department of a certified copy of the order or judgment of the court. Except as to the credits in computing tax authorized by RCW 82.04.435, interest at the rate of three percent per annum shall be allowed by the department and by any court on the amount of any refund or recovery allowed to a taxpayer for taxes, penalties, or interest paid by him after May 1, 1949, and interest at the same rate shall be allowed on any judgment recovered by a taxpayer for taxes, penalties, or interest paid after such date.

NEW SECTION. Sec. 5. Notwithstanding any provision of law to the contrary, in the event any county treasurer has not provided tax statements to taxpayers in his county prior to April 1, 1979, such treasurer shall provide such statements as soon thereafter as is practicable, and such taxes shall be due and payable on the thirtieth day following the mailing of such tax statements after which date, and not before, all taxes on real and personal property in such county 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 due date, 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 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 due date 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 eight percent per annum shall be charged upon said remainder from the date of delinquency until paid: PROVIDED, FURTHER, That this section shall expire on December 31, 1979. This section is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions and shall take effect immediately.

NEW SECTION. Sec. 6. The provisions of chapter 82.32 RCW, insofar as applicable, shall have full force and application with respect to the tax imposed under RCW 82.04.291, as amended and recodified.

Any reference in chapter 6, Laws of 1979 or any other statute to RCW 82.04.291 shall be deemed to apply to RCW 82.04.291 as renumbered and recodified as a section of chapter 84.33 RCW.

This section 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 April 26, 1979.

Passed the Senate April 23, 1979.

Approved by the Governor April 27, 1979.

Filed in Office of Secretary of State April 27, 1979.

CHAPTER 96

[Substitute House Bill No. 500]

STATE RETIREMENT BENEFICIARIES—MONTHLY BENEFITS

AN ACT Relating to retirement systems; adding a new section to chapter 41.40 RCW; adding a new section to chapter 41.32 RCW; adding a new section to chapter 43.43 RCW; adding a new section to chapter 2.12 RCW; adding a new section to chapter 28B.10 RCW; making appropriations; and declaring an emergency.

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

NEW SECTION. Section 1. There is added to chapter 41.40 RCW a new section to read as follows:

(1) Notwithstanding any provision of law to the contrary, effective July 1, 1979, no beneficiary receiving a retirement allowance pursuant to this chapter shall receive, as the pension portion of that retirement allowance, less than ten dollars per month for each year of service creditable to the person whose service is the basis of the pension. Portions of a year shall be treated as fractions of a year and the decimal equivalent shall be multiplied by ten dollars. Where the pension payable was adjusted at the time benefit payments to the beneficiary commenced, the minimum pension provided in this section shall be adjusted in a manner consistent with that adjustment.

(2) The provisions of subsection (1) of this section shall not be applicable to those receiving benefits pursuant to RCW 41.40.220(1), 41.44.170(5), or 41.40.610 through 41.40.740.

NEW SECTION. Sec. 2. There is added to chapter 41.32 RCW a new section to read as follows:

(1) Notwithstanding any provision of law to the contrary, effective July 1, 1979, no beneficiary receiving a retirement allowance pursuant to this chapter shall receive, as the pension portion of that retirement allowance, less than ten dollars per month for each year of service creditable to the person whose service is the basis of the pension. Portions of a year shall be treated as fractions of a year and the decimal equivalent shall be multiplied by ten dollars. Where the pension payable was adjusted at the time benefit payments to the beneficiary commenced, the minimum pension provided in this section shall be adjusted in a manner consistent with that adjustment.

(2) Notwithstanding any provision of law to the contrary, effective July 1, 1979, the retirement allowance of each beneficiary who either is receiving benefits pursuant to RCW 41.32.520 or 41.32.550 as of December 31, 1978, or commenced receiving a monthly retirement allowance under this chapter as of a date no later than July 1, 1974, shall be permanently increased by a post-retirement adjustment. This adjustment shall be in lieu of any adjustments provided under RCW 41.32.499(6) as of July 1, 1979, or July 1, 1980, for the affected beneficiaries. Such adjustment shall be calculated as follows:

(a) Retirement allowances to which this subsection and subsection (1) of this section are both applicable shall be determined by first applying subsection (1) and then applying this subsection. The department shall determine the total years of creditable service and the total dollar benefit base accrued as of December 31, 1978, except that this determination shall take into account only those beneficiaries to whom this subsection applies;

(b) The department shall multiply the total benefits determined in (a) of this subsection by six percent and divide the dollar value thus determined by the total service determined in (a) of this subsection. The resultant figure

shall then be a post-retirement increase factor which shall be applied as specified in (c) of this subsection;

(c) Each beneficiary to whom this subsection applies shall receive an increase which is the product of the factor determined in (b) of this subsection multiplied by the years of creditable service.

(3) The provisions of subsections (1) and (2) of this section shall not be applicable to those receiving benefits pursuant to RCW 41.32.540 or 41.32.760 through 41.32.825.

NEW SECTION. Sec. 3. There is added to chapter 43.43 RCW a new section to read as follows:

(1) Notwithstanding any provision of law to the contrary, effective July 1, 1979, no beneficiary receiving a retirement allowance pursuant to this chapter shall receive less than ten dollars per month for each year of service creditable to the person whose service is the basis of the retirement allowance. Portions of a year shall be treated as fractions of a year and the decimal equivalent shall be multiplied by ten dollars. Where the retirement allowance was adjusted at the time benefit payments to the beneficiary commenced, the minimum retirement allowance provided in this subsection shall be adjusted in a manner consistent with that adjustment. The minimum retirement allowance provided in this subsection shall not be applicable to those receiving benefits pursuant to RCW 43.43.040 or 43.43.270 (3) or (4).

(2) Notwithstanding any provision of law to the contrary, effective July 1, 1979, the retirement allowance of each beneficiary who either is receiving benefits pursuant to RCW 43.43.270 as of December 31, 1978, or commenced receiving a monthly retirement allowance under this chapter as of a date no later than July 1, 1974, shall be permanently increased by a post-retirement adjustment. This adjustment shall be in lieu of any adjustments provided under RCW 43.43.260(5) as of July 1, 1979, or July 1, 1980, for the affected beneficiaries, except that in no case shall such adjustment be less than the total of those which would be provided under RCW 43.43.260(5) as of July 1, 1979, and July 1, 1980. Such adjustment shall be calculated as follows:

(a) Retirement allowances to which this subsection and subsection (1) of this section are both applicable shall be determined by first applying subsection (1) and then applying this subsection. The department shall determine the total years of creditable service and the total dollar benefit base accrued as of December 31, 1978, except that this determination shall take into account only those beneficiaries to whom this subsection applies;

(b) The department shall multiply the total benefits determined in (a) of this subsection by six percent and divide the dollar value thus determined by the total service determined in (a) of this subsection. The resultant figure shall then be a post-retirement increase factor which shall be applied as specified in (c) of this subsection;

(c) Each beneficiary to whom this subsection applies shall receive an increase which is the product of the factor determined in (b) of this subsection multiplied by the years of creditable service.

NEW SECTION. Sec. 4. There is added to chapter 2.12 RCW a new section to read as follows:

(1) Notwithstanding any provision of law to the contrary, effective July 1, 1979, no person receiving a monthly benefit pursuant to this chapter shall receive a monthly benefit of less than ten dollars per month for each year of service creditable to the person whose service is the basis of the retirement allowance. Portions of a year shall be treated as fractions of a year and the decimal equivalent shall be multiplied by ten dollars. Where the monthly benefit was adjusted at the time benefit payments to the beneficiary commenced, the minimum benefit provided in this section shall be adjusted in a manner consistent with that adjustment.

(2) Notwithstanding any provision of law to the contrary, effective July 1, 1979, the monthly benefit of each person who either is receiving benefits pursuant to RCW 2.12.020 or 2.12.030 as of December 31, 1978, or commenced receiving a monthly benefit under this chapter as of a date no later than July 1, 1974, shall be permanently increased by a post-retirement adjustment. This adjustment shall be in lieu of any adjustments provided under RCW 2.12.037 as of July 1, 1979, or July 1, 1980, for the affected persons. Such adjustment shall be calculated as follows:

(a) Monthly benefits to which this subsection and subsection (1) of this section are both applicable shall be determined by first applying subsection (1) and then applying this subsection. The department shall determine the total years of creditable service and the total dollar benefit base accrued as of December 31, 1978, except that this determination shall take into account only those persons to whom this subsection applies;

(b) The department shall multiply the total benefits determined in (a) of this subsection by six percent and divide the dollar value thus determined by the total service determined in (a) of this subsection. The resultant figure shall then be a post-retirement increase factor which shall be applied as specified in (c) of this subsection;

(c) Each person to whom this subsection applies shall receive an increase which is the product of the factor determined in (b) of this subsection multiplied by the years of creditable service.

NEW SECTION. Sec. 5. There is added to chapter 28B.10 RCW a new section to read as follows:

(1) For any person receiving a monthly benefit pursuant to a program established under RCW 28B.10.400, the pension portion of such benefit shall be the sum of the following amounts:

(a) One-half of the monthly benefit payable under such program by a life insurance company; and

(b) The monthly equivalent of the supplemental benefit described in RCW 28B.10.400(3).

(2) Notwithstanding any provision of law to the contrary, effective July 1, 1979, no person receiving a monthly benefit pursuant to RCW 28B.10.400 shall receive, as the pension portion of that benefit, less than ten dollars per month for each year of service creditable to the person whose service is the basis of the benefit. Portions of a year shall be treated as fractions of a year and the decimal equivalent shall be multiplied by ten dollars. Where the benefit was adjusted at the time benefit payments to the beneficiary commenced, the minimum pension provided in this section shall be adjusted in a manner consistent with that adjustment.

(3) Notwithstanding any provision of law to the contrary, effective July 1, 1979, the monthly benefit of each person who commenced receiving a monthly benefit under this chapter as of a date no later than July 1, 1974, shall be permanently increased by a post-retirement adjustment. Such adjustment shall be calculated as follows:

(a) Monthly benefits to which this subsection and subsection (2) of this section are both applicable shall be determined by first applying subsection (2) and then applying this subsection. The department shall determine the total years of creditable service and the total dollar benefit base accrued as of December 31, 1978, except that this determination shall take into account only those persons to whom this subsection applies;

(b) The department shall multiply the total benefits determined in (a) of this subsection by six percent and divide the dollar value thus determined by the total service determined in (a) of this subsection. The resultant figure shall then be a post-retirement increase factor which shall be applied as specified in (c) of this subsection;

(c) Each person to whom this subsection applies shall receive an increase which is the product of the factor determined in (b) of this subsection multiplied by the years of creditable service.

NEW SECTION, Sec. 6. There is hereby appropriated \$12,530,000 for costs resulting from this act. These funds shall be disbursed according to the following schedule:

(1) \$11,460,000 to the department of retirement systems, of which:

(a) \$4,600,000 from the general fund to the public employees' retirement fund: PROVIDED, That \$598,000 shall be from the general fund—federal.

(b) \$6,800,000 from the state general fund to the teachers' retirement fund.

(c) \$10,000 from the state general fund to the judges' retirement fund.

(d) \$50,000 from the motor vehicle fund to the Washington state patrol retirement fund.

(2) \$1,070,000 from the state general fund as follows:

University of Washington	\$559,300
Washington State University	381,600
Eastern Washington University	27,300
Western Washington University	51,900
Central Washington University	49,900

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

- Passed the House April 23, 1979.
- Passed the Senate April 19, 1979.
- Approved by the Governor April 30, 1979.
- Filed in Office of Secretary of State April 30, 1979.

CHAPTER 97

[Substitute Senate Bill No. 2284]

HARBOR AREA LEASES—ANNUAL RENTAL FEES—VALUE APPRAISALS

AN ACT Relating to public lands; amending section 130, chapter 255, Laws of 1927 as amended by section 3, chapter 97, Laws of 1969 ex. sess. and RCW 79.01.520; adding new sections to chapter 79.01 RCW; providing an expiration date; and declaring an emergency.

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

Section 1. Section 130, chapter 255, Laws of 1927 as amended by section 3, chapter 97, Laws of 1969 ex. sess. and RCW 79.01.520 are each amended to read as follows:

Prior to the issuance of a lease, renewal lease, or re-lease of harbor area on tidal waters under the preceding sections of this chapter, and every five years thereafter during the life of all leases written after August 11, 1969, and no less frequently than every five years for all prior leases, the department of natural resources shall determine the true and fair value in money of such harbor area (exclusive of the improvements thereon), which value shall be the value at which the property would be taken in payment of a just debt from a solvent debtor. All harbor area leases will stipulate the percentage rate of said values that will be paid as the annual rent during the period until the next reappraisal of the value of the harbor area as established herein: **PROVIDED**, That the applicant, or lessee, being dissatisfied with the valuation as fixed by the department of natural resources shall have the right of appeal from the findings of the department to a valuation board to be composed of the county commissioners, the county treasurer and the county assessor of the county in which the harbor area is located. To perfect such appeal, notice thereof shall be in writing and a copy must, within ~~((ten))~~ thirty days after receipt of notice of the department of natural resources' valuation, be personally served upon each member of the

board of county commissioners and upon the county treasurer, the county assessor, and the administrator of the department of natural resources; or such copy may be left at the residence of such officer with some person of suitable age and discretion. Service of the notice may be made by any person qualified to serve a summons in a civil action. Within five days following the service of said notice on the chairman of the board of county commissioners, said chairman shall fix a time and place for a meeting of said valuation board and shall notify each of the officers of said board thereof, which said time shall be not less than five nor more than ten days from the date of giving said notice; like notice of the time and place fixed for said hearing shall also be given the applicant, or lessee, and the department of natural resources. Except as otherwise provided in chapter 79.01 RCW, such hearing will be conducted in compliance with chapter 34.04 RCW. At the time and place fixed for said meeting, the said board shall meet and determine, by such means as it may select, the valuation of the harbor area in question. A majority of said officers shall constitute a quorum for the purpose of determining the question, and the valuation shall be determined by a majority vote of the members of said board. If a majority of the members of said board participate in said meeting no question shall be made as to any irregularity of the giving of the notices required. The meeting of the board and its deliberations and voting shall be open to the public and any interested parties. The decision of the board of the question of valuation shall be final and conclusive on all parties.

NEW SECTION. Sec. 2. There is added to chapter 79.01 RCW a new section to read as follows:

During the term of an existing lease and in issuing or renewing leases or re-leasing harbor areas pursuant to RCW 79.01.520, the annual rental fee for a harbor area lease shall not increase at a rate of more than six percent per year, regardless of the reappraised value of the harbor area unless the reappraisal is conducted by an independent fee appraiser who is a member of the Appraisal Institute and designated M.A.I. or a member of the Society of Real Estate Appraisers who is designated S.R.P.A. or S.R.E.A. and who uses local comparable land values. This section shall expire and have no further legal effect after July 1, 1982.

NEW SECTION. Sec. 3. There is added to chapter 79.01 RCW a new section to read as follows:

Not later than January 1, 1980, the department of natural resources shall adopt by rule pursuant to chapter 34.04 RCW such appraisal and other procedures and requirements as the department deems reasonably necessary to accomplish the purposes of section 1 of this 1979 act. These rules shall include provisions for a reduced annual rental rate or rates and establish criteria and standards for granting the reduced rental rate or rates to qualifying lessees based on the extent to which they encourage public access to and use of the leased property and any improvements thereto.

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 April 20, 1979.

Passed the House April 12, 1979.

Approved by the Governor April 30, 1979.

Filed in Office of Secretary of State April 30, 1979.

CHAPTER 98

[Engrossed Senate Bill No. 2311]

CREDIT UNIONS—EXERCISE OF POWERS—FEDERAL PARITY

AN ACT Relating to credit unions; and adding a new section to chapter 31.12 RCW.

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

NEW SECTION. Section 1. There is added to chapter 31.12 RCW a new section to read as follows:

Notwithstanding any other provision of law, the supervisor may make reasonable rules authorizing a credit union to exercise any of the powers conferred as of April 1, 1979, upon a federal credit union doing business in this state, if the supervisor finds that the exercise of the power:

(1) Serves the convenience and advantage of members; and

(2) Maintains the quality of competition between state chartered credit unions and federally chartered credit unions.

The exercise of these powers is subject to such rules and regulations as the supervisor may prescribe.

Passed the Senate April 18, 1979.

Passed the House April 9, 1979.

Approved by the Governor April 30, 1979.

Filed in Office of Secretary of State April 30, 1979.

CHAPTER 99

[Substitute Senate Bill No. 2439]

FISHERIES CODE—SALMON AND OTHER VIOLATIONS—FINE—
FORFEITURE—LICENSE SUSPENSION

AN ACT Relating to food fish and shellfish; amending section 75.08.260, chapter 12, Laws of 1955 and RCW 75.08.260; amending section 75.28.380, chapter 12, Laws of 1955 as amended by section 5, chapter 171, Laws of 1957 and RCW 75.28.380; adding a new section to chapter 75.28 RCW; and prescribing penalties.

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

Section 1. Section 75.08.260, chapter 12, Laws of 1955 and RCW 75.08.260 are each amended to read as follows:

Unless otherwise provided for in the fisheries code any person who violates any of the provisions of the fisheries code, or any of the rules or regulations of the director made pursuant thereto, or who aids or abets or assists in the violation thereof, shall be guilty of a gross misdemeanor, and upon a conviction thereof shall be punished by imprisonment in the county jail of the county in which the offense is committed for not less than thirty days or more than one year, or by a fine of not less than twenty-five dollars or more than one thousand dollars, or by both such fine and imprisonment.

Any person taking or possessing salmon in violation of any of the provisions of the fisheries code, or any of the rules or regulations of the director made pursuant thereto, shall, in the event such salmon have a market value greater than two hundred and fifty dollars, be punished by a fine in an amount not more than five thousand dollars. Such fine shall be in addition to any other punishment prescribed for such conduct and shall be imposed along with such punishment in the same proceedings. In addition, the food fish involved in the violation shall be forfeited to the state.

Sec. 2. Section 75.28.380, chapter 12, Laws of 1955 as amended by section 5, chapter 171, Laws of 1957 and RCW 75.28.380 are each amended to read as follows:

Upon conviction of any person of a violation of any provision of this title, or rule or regulation of the director, the judge or justice of the peace may, in addition to the penalty imposed by law, forfeit the license of such person: **PROVIDED**, That upon conviction of any person of a violation of any statute or regulation prescribing the length, depth or construction of fishing gear, or upon subsequent conviction in any five-year period of any person of any violation of any other provisions of this title or rule or regulation of the director, the forfeiture of such license shall be mandatory, and the license shall remain forfeited pending any appeal. The director may prohibit the issuance of a license to any person convicted two or more times of any such violation in any five-year period or prescribe the conditions under which the license may be issued.

NEW SECTION. Sec. 3. There is added to chapter 75.28 RCW a new section to read as follows:

The director, subject to the provisions of chapter 34.04 RCW as now or hereafter amended, shall deny all salmon fishing privileges and shall suspend all salmon fishing licenses for a period of one year held by any person who is convicted of two or more violations of salmon fishing regulations or rules promulgated under this title which restrict fishing times or areas, in any five-year period beginning after the effective date of this 1979 act. A person may not avoid the provisions of this section by transferring a commercial salmon fishing license.

For the purposes of this section, the term "conviction" means a final conviction in either a state or municipal court. An unvacated forfeiture of bail or collateral deposited to secure the defendant's appearance in court,

the payment of a fine, a plea of guilty, or a finding of guilt on a violation of this title is equivalent to a conviction regardless of whether the imposition of sentence is deferred or the penalty is suspended.

Passed the Senate April 20, 1979.

Passed the House April 10, 1979.

Approved by the Governor April 30, 1979.

Filed in Office of Secretary of State April 30, 1979.

CHAPTER 100

[House Bill No. 415]

LOCAL IMPROVEMENT ASSESSMENT ROLLS—HEARINGS OFFICERS—
APPEALS

AN ACT Relating to local improvement assessments; amending section 35.44.070, chapter 7, Laws of 1965 and RCW 35.44.070; and amending section 35.44.080, chapter 7, Laws of 1965 and RCW 35.44.080.

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

Section 1. Section 35.44.070, chapter 7, Laws of 1965 and RCW 35.44-.070 are each amended to read as follows:

The assessment roll for local improvements when prepared as provided by law shall be filed with the city or town clerk. The council or other legislative authority shall thereupon fix a date for a hearing thereon before such legislative authority or may direct that the hearing shall be held before a committee thereof or the legislative authority of any city having a population of 15,000 or more may designate an officer to conduct such hearings. The committee of [or] officer designated shall hold a hearing on the assessment roll and consider all objections filed following which ~~((it shall report its))~~ the committee or officer shall make recommendations to such legislative authority which shall either adopt or reject the recommendations of the committee or officer. If a hearing is held before such a committee or officer it shall not be necessary to hold a hearing on the assessment roll before such legislative authority: PROVIDED, That a local ordinance shall provide for an appeal by any person protesting his or her assessment to the legislative authority of a decision made by such officer. The same procedure may if so directed by such legislative authority be followed with respect to any assessment upon the roll which is raised or changed to include omitted property. Such legislative authority shall direct the clerk to give notice of the hearing and of the time and place thereof.

Sec. 2. Section 35.44.080, chapter 7, Laws of 1965 and RCW 35.44.080 are each amended to read as follows:

The notice of hearing upon the assessment roll shall specify the time and place of hearing and shall notify all persons who may desire to object thereto:

(1) To make their objections in writing and to file them with the city or town clerk at or prior to the date fixed for the hearing;

(2) That at the time and place fixed and at times to which the hearing may be adjourned, the council will sit as a board of equalization for the purpose of considering the roll; and

(3) That at the hearing the council or committee or officer will consider the objections made and will correct, revise, raise, lower, change, or modify the roll or any part thereof or set aside the roll and order the assessment to be made de novo (~~(, and at the conclusion thereof)~~).

Following the hearing the council shall confirm the roll by ordinance.

Passed the House April 23, 1979.

Passed the Senate April 9, 1979.

Approved by the Governor April 30, 1979.

Filed in Office of Secretary of State April 30, 1979.

CHAPTER 101

[House Bill No. 4]

ADOPTION—CERTIFICATE OF BIRTH

AN ACT Relating to adoption; amending section 12, chapter 291, Laws of 1955 and RCW 26.32.120; and amending section 1, chapter 133, Laws of 1939 as last amended by section 40, chapter 42, Laws of 1975-'76 2nd ex. sess. and RCW 70.58.210.

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

Section 1. Section 12, chapter 291, Laws of 1955 and RCW 26.32.120 are each amended to read as follows:

Upon the conclusion of such hearing, if had, or upon filing the report of investigation, if any, or as soon as the procedure hereunder may permit, the court shall enter its decree either granting or denying the petition for adoption and change of name, if any, all as in its discretion it shall deem proper. If the decree is for adoption, it shall provide:

(1) ~~((For the issuance of a certificate of birth of any child born in the state of Washington, by the state registrar of vital statistics, in such form and containing such information as the court may deem proper and by such decree shall direct;~~

~~(2)) In the case of a child born in a state other than Washington, or in a territory of the United States, for the forwarding of the certificate of adoption to the department of health, or its equivalent, of the state or territory of the United States in which the birth occurred;~~

~~(2) In the case of a child born in the state of Washington, for the issuance of a certificate of birth by the state registrar of vital statistics, in such form and containing such information as the court may deem proper and by such decree shall direct;~~

(3) In the case of a child born outside of the United States and its territories, for the issuance of a certificate of birth by the state registrar of vital statistics, in such form and containing such information as the court may deem proper and by such decree shall direct, but unless the court orders otherwise, the certificate of birth shall have the same overall appearance as the certificate which would have been issued if the adopted child had been born in the state of Washington;

(4) That the records of the registrar shall be secret unless otherwise provided by the court, and the same shall be disclosed only upon order of court for good cause shown; and

~~((f3))~~ (5) That such adoption shall remain interlocutory for six months from date of entry of such decree, and shall become absolute at the expiration of said six months.

Such decree shall be final as to the parties thereto and those notified as herein provided unless appealed from within thirty days after entry thereof.

Sec. 2. Section 1, chapter 133, Laws of 1939 as last amended by section 40, chapter 42, Laws of 1975-'76 2nd ex. sess. and RCW 70.58.210 are each amended to read as follows:

(1) Whenever a decree of adoption has been entered declaring a child, born in the state of Washington, adopted in any court of competent jurisdiction in the state of Washington or any other state or any territory of the United States, a certified copy of the decree of adoption shall be recorded with the proper department of registration of births in the state of Washington and a certificate of birth shall issue upon request, bearing the new name of the child as shown in the decree of adoption, the names of the ~~((foster))~~ adoptive parents of the ~~((said))~~ child(;) and the age, sex, and date of birth of the child, but no reference in any birth certificate shall have reference to the adoption of the ~~((said))~~ child. However, original registration of births shall remain a part of the record of the ~~((said))~~ board of health.

(2) Whenever a decree of adoption has been entered declaring a child, born outside of the United States and its territories, adopted in any court of competent jurisdiction in the state of Washington, a certified copy of the decree of adoption together with evidence as to the child's birth date and birth place provided by the original birth certificate, or by a certified copy, extract, or translation thereof or by a certified copy of some other document essentially equivalent thereto, shall be recorded with the proper department of registration of births in the state of Washington. The records of the United States immigration and naturalization service or of the United States department of state are essentially equivalent to the birth certificate. A certificate of birth shall issue upon request, bearing the new name of the child as shown in the decree of adoption, the names of the adoptive parents of the child and the age, sex, and date of birth of the child, but no reference in any birth certificate shall have reference to the adoption of the child.

Unless the court orders otherwise, the certificate of birth shall have the same overall appearance as the certificate which would have been issued if the adopted child had been born in the state of Washington.

A person born outside of the United States and its territories for whom a decree of adoption has been entered in a court of this state before the effective date of this act may apply for a certificate of birth under this subsection by furnishing the proper department of registration of births with a certified copy of the decree of adoption together with the other evidence required by this subsection as to the date and place of birth. Upon receipt of the decree and evidence, a certificate of birth shall be issued in accordance with this subsection.

NEW SECTION. Sec. 3. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the House March 21, 1979.

Passed the Senate April 18, 1979.

Approved by the Governor April 30, 1979.

Filed in Office of Secretary of State April 30, 1979.

CHAPTER 102

[House Bill No. 41]

STATE-OWNED PROPERTY—LOCAL FIRE PROTECTION SERVICE

AN ACT Relating to fire protection; and adding a new section to chapter 35.21 RCW.

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

NEW SECTION. Section 1. There is added to chapter 35.21 RCW a new section to read as follows:

Whenever a city or town has located within its territorial limits buildings or equipment, except those leased to a nontax-exempt person or organization, owned by the state or an agency or institution of the state, the state or agency or institution shall contract with the city or town for fire protection services necessary for the protection and safety of personnel and property pursuant to chapter 39.34 RCW, as now or hereafter amended. Nothing in this section shall be construed to require the state, or any state agency or institution, to contract for services which are performed by the staff and equipment of such an entity or by a fire protection district pursuant to RCW 52.36.020. The director of general administration shall present in the budget submitted to the governor for the 1981-83 biennium, and

each biennium thereafter, an amount sufficient to fund any fire protection service contracts negotiated under the provisions of this act.

Passed the House April 19, 1979.

Passed the Senate April 11, 1979.

Approved by the Governor April 30, 1979.

Filed in Office of Secretary of State April 30, 1979.

CHAPTER 103

[Substitute House Bill No. 398]

INSTITUTIONS OF HIGHER EDUCATION—GOVERNANCE

AN ACT Relating to higher education; amending section 28B.50.100, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 282, Laws of 1977 ex. sess. and RCW 28B.50.100; amending section 28B.20.100, chapter 223, Laws of 1969 ex. sess. as amended by section 7, chapter 62, Laws of 1973 and RCW 28B.20.100; amending section 28B.30.100, chapter 223, Laws of 1969 ex. sess. as amended by section 10, chapter 62, Laws of 1973 and RCW 28B.30.100; amending section 45, chapter 169, Laws of 1977 ex. sess. and RCW 28B.35.100; amending section 28B.40.100, chapter 223, Laws of 1969 ex. sess. as last amended by section 65, chapter 169, Laws of 1977 ex. sess. and RCW 28B.40.100; amending section 28B.30.120, chapter 223, Laws of 1969 ex. sess. and RCW 28B.30.120; and creating new sections.

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

Section 1. Section 28B.50.100, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 282, Laws of 1977 ex. sess. and RCW 28B.50.100 are each amended to read as follows:

There is hereby created a community college board of trustees for each community college district as set forth in this chapter. Each community college board of trustees shall be composed of five trustees, who shall be appointed by the governor for terms commencing October 1st of the year in which appointed. In making such appointments the governor shall give consideration to geographical exigencies, and the interests of labor, industry, agriculture, the professions and ethnic groups.

The successors of the trustees initially appointed shall be appointed by the governor to serve for a term of five years except that any person appointed to fill a vacancy occurring prior to the expiration of any term shall be appointed only for the remainder of the term. Each member shall serve until a successor is appointed and qualified.

Every trustee shall be a resident and qualified elector of ((his)) the community college district. No trustee may be an employee of the community college system, a member of the board of directors of any school district, a member of the governing board of any public or private educational institution, or an elected officer or member of the legislative authority of any municipal corporation.

Each board of trustees shall organize itself by electing a chairman from its members. The board shall adopt a seal and may adopt such bylaws, rules

and regulations as it deems necessary for its own government. Three members of the board shall constitute a quorum, but a lesser number may adjourn from time to time and may compel the attendance of absent members in such manner as prescribed in its bylaws, rules, or regulations. The district president, or if there be none, the president of the community college, shall serve as, or may designate another person to serve as, the secretary of the board, who shall not be deemed to be a member of the board.

Sec. 2. Section 28B.20.100, chapter 223, Laws of 1969 ex. sess. as amended by section 7, chapter 62, Laws of 1973 and RCW 28B.20.100 are each amended to read as follows:

The ~~((government))~~ governance of the University of Washington shall ¹ be vested in a board of regents to consist of seven members ~~((who))~~. They shall be appointed by the governor ~~((of the state, by and))~~ with the ~~((advice and))~~ consent of the senate, and ~~((who))~~ shall hold their offices ~~((respectively))~~ for a term of six years from the ~~((second Monday in March next succeeding their appointment))~~ first day of October and until their successors shall be appointed and ~~((shall qualify by filing their oath with the secretary of state))~~ qualified. Four members of said board shall constitute ² a quorum for the transaction of business. ~~((Whenever there shall be))~~ In the case of a vacancy ((in the said board of regents, from any cause whatever, it shall be the duty of)), or when an appointment is made after the date of the expiration of a term, the governor ((to)) shall fill ((such office by appointment for the unexpired)) the vacancy for the remainder of the term of the ((incumbent)) regent whose ((position)) office has become vacant or expired.

No more than the terms of two members will expire simultaneously on the last day of September in any one year.

Sec. 3. Section 28B.30.100, chapter 223, Laws of 1969 ex. sess. as amended by section 10, chapter 62, Laws of 1973 and RCW 28B.30.100 are each amended to read as follows:

The ~~((seven members of the))~~ governance of Washington State University shall be vested in a board of regents ((of Washington State University)) to consist of seven members. They shall be appointed by the governor, by and with the consent of the senate((: PROVIDED, That all appointments made to fill vacancies caused by death, resignation or otherwise, shall be for the unexpired term of the incumbent whose place shall have become vacant)) and shall hold their offices for a term of six years from the first day of October and until their successors are appointed and qualified. ((Except as otherwise in this section provided, all appointments shall be for the term of six years and until the appointment and qualification by filing his oath with the secretary of state of a successor to each appointee:)) Four members of said board shall constitute a quorum for the transaction of business. In the case of a vacancy or when an appointment is made after the date of the

expiration of a term, the governor shall fill the vacancy for the remainder of the term of the regent whose office has become vacant or expired.

No more than the terms of two members will expire simultaneously on the last day of September in any one year.

Each regent shall, before entering upon the discharge of his respective duties as such, execute a good and sufficient bond to the state of Washington, with two or more sufficient sureties, residents of the state, or with a surety company licensed to do business within the state, in the penal sum of not less than five thousand dollars, conditioned for the faithful performance of his duties as such regent: PROVIDED, That the university shall pay any fees incurred for any such bonds for their board members.

Sec. 4. Section 45, chapter 169, Laws of 1977 ex. sess. and RCW 28B-.35.100 are each amended to read as follows:

The ~~((government))~~ governance of each of the regional universities shall be vested in a board of trustees consisting of five members. They shall be appointed by the governor with the consent of the senate and shall hold their offices for a term of six years from the ~~((second Monday in March next succeeding their appointment))~~ first day of October and until their successors are appointed and qualified. In case of a vacancy, or when an appointment is made after the date of expiration of the term, the governor shall fill the vacancy for the ~~((unexpired))~~ remainder of the term of the trustee whose office has become vacant or expired.

No more than the terms of two members will expire simultaneously on the ~~((second Monday of March))~~ last day of September in any one year.

Sec. 5. Section 28B.40.100, chapter 223, Laws of 1969 ex. sess. as last amended by section 65, chapter 169, Laws of 1977 ex. sess. and RCW 28B.40.100 are each amended to read as follows:

The ~~((government))~~ governance of The Evergreen State College shall be vested in a board of trustees consisting of five members. They shall be appointed by the governor with the consent of the senate and shall hold their offices for a term of six years from the ~~((second Monday in March next succeeding their appointment))~~ first day of October and until their successors are appointed and qualified. In case of a vacancy, or when an appointment is made after the date of expiration of the term, the governor shall fill the vacancy for the ~~((unexpired))~~ remainder of the term of the trustee whose office has become vacant or expired.

No more than the terms of two members will expire simultaneously on the ~~((second Monday of March))~~ last day of September in any one year.

Sec. 6. Section 28B.30.120, chapter 223, Laws of 1969 ex. sess. and RCW 28B.30.120 are each amended to read as follows:

Meetings of the board of regents may be called in such manner as the board may prescribe, and a full meeting of the board shall be called at least once a year. ~~((A majority of said board shall constitute a quorum for the~~

~~transaction of business but a less number may adjourn from time to time:))~~
 No vacancy in said board shall impair the rights of the remaining members of the board.

NEW SECTION. Sec. 7. Nothing in sections 2 through 6 of this amendatory act shall shorten the terms of regents or trustees presently in office.

NEW SECTION. Sec. 8. 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 House April 23, 1979.

Passed the Senate April 9, 1979.

Approved by the Governor April 30, 1979.

Filed in Office of Secretary of State April 30, 1979.

CHAPTER 104

[House Bill No. 419]

UNIVERSITY OF WASHINGTON FACULTY CENTER—CLASS H LIQUOR LICENSE

AN ACT Relating to the sale of intoxicating liquors on the grounds of the University of Washington; and amending section 1, chapter 75, Laws of 1895 as last amended by section 1, chapter 68, Laws of 1975 1st ex. sess. and RCW 66.44.190.

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

Section 1. Section 1, chapter 75, Laws of 1895 as last amended by section 1, chapter 68, Laws of 1975 1st ex. sess. and RCW 66.44.190 are each amended to read as follows:

Except at the faculty center as so designated by the university board of regents to the Washington state liquor control board who may issue a class H club license therefor, it shall be unlawful to sell any intoxicating liquors, with or without a license on the grounds of the University of Washington, otherwise known and described as follows: Fractional section 16, township 25 north, range 4 east of Willamette Meridian except to the extent allowed under banquet permits issued pursuant to RCW 66.24.490.

Passed the House April 19, 1979.

Passed the Senate April 11, 1979.

Approved by the Governor April 30, 1979.

Filed in Office of Secretary of State April 30, 1979.

CHAPTER 105

[Substitute House Bill No. 438]

DOMESTIC VIOLENCE—OFFICIAL RESPONSE

AN ACT Relating to domestic violence; adding a new chapter to Title 10 RCW; creating new sections; and prescribing penalties.

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

NEW SECTION. Section 1. The purpose of this act is to recognize the importance of domestic violence as a serious crime against society and to assure the victim of domestic violence the maximum protection from abuse which the law and those who enforce the law can provide. The legislature finds that the existing criminal statutes are adequate to provide protection for victims of domestic violence. However, previous societal attitudes have been reflected in policies and practices of law enforcement agencies and prosecutors which have resulted in differing treatment of crimes occurring between cohabitants and of the same crimes occurring between strangers. Only recently has public perception of the serious consequences of domestic violence to society and to the victims led to the recognition of the necessity for early intervention by law enforcement agencies. It is the intent of the legislature that the official response to cases of domestic violence shall stress the enforcement of the laws to protect the victim and shall communicate the attitude that violent behavior is not excused or tolerated. Furthermore, it is the intent of the legislature that criminal laws be enforced without regard to whether the persons involved are or were married, cohabiting, or involved in a relationship.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Cohabitant" means a person who is married or who is cohabiting with a person as husband and wife at the present time or at some time in the past. Any person who has one or more children in common with another person, regardless of whether they have been married or lived together at any time, shall be treated as a cohabitant.

(2) "Domestic violence" includes but is not limited to any of the following crimes when committed by one cohabitant against another:

- (a) Assault in the first degree (RCW 9A.36.010);
- (b) Assault in the second degree (RCW 9A.36.020);
- (c) Simple assault (RCW 9A.36.040);
- (d) Reckless endangerment (RCW 9A.36.050);
- (e) Coercion (RCW 9A.36.070);
- (f) Burglary in the first degree (RCW 9A.52.020);
- (g) Burglary in the second degree (RCW 9A.52.030);
- (h) Criminal trespass in the first degree (RCW 9A.52.070);
- (i) Criminal trespass in the second degree (RCW 9A.52.080);
- (j) Malicious mischief in the first degree (RCW 9A.48.070);
- (k) Malicious mischief in the second degree (RCW 9A.48.080);
- (l) Malicious mischief in the third degree (RCW 9A.48.090);
- (m) Kidnapping in the first degree (RCW 9A.40.020);
- (n) Kidnapping in the second degree (RCW 9A.40.030); and

(o) Unlawful imprisonment (RCW 9A.40.040).

(3) "Victim" means a cohabitant who has been subjected to domestic violence.

NEW SECTION. Sec. 3. (1) All training relating to the handling of domestic violence complaints by law enforcement officers shall stress enforcement of criminal laws in domestic situations, availability of community resources, and protection of the victim. Law enforcement agencies and community organizations with expertise in the issue of domestic violence shall cooperate in all aspects of such training.

(2) The primary duty of peace officers, when responding to a domestic violence situation, is to enforce the laws allegedly violated and to protect the complaining party.

(3)(a) When a peace officer responds to a domestic violence call and has probable cause to believe that a crime has been committed, the peace officer may exercise arrest powers with reference to the criteria in RCW 10.31-.100. The officer shall notify the victim of the victim's right to initiate a criminal proceeding in all cases where the officer has not exercised arrest powers or decided to initiate criminal proceedings by citation or otherwise. The parties in such cases shall also be advised of the importance of preserving evidence.

(b) A peace officer responding to a domestic violence call shall take a complete offense report including the officer's disposition of the case.

(4) The peace officer may offer, arrange, or facilitate transportation for the victim to a hospital for treatment of injuries or to a place of safety or shelter.

(5) The law enforcement agency shall forward the offense report to the appropriate prosecutor as soon as practicable, if there is probable cause to believe that an offense has been committed.

(6) Each law enforcement agency shall make as soon as practicable a written record and shall maintain records of all incidents of domestic violence reported to it.

(7) Records kept pursuant to subsections (3) and (6) of this section shall be made identifiable by means of a departmental code for domestic violence.

NEW SECTION. Sec. 4. (1) Because of the serious nature of domestic violence, the court in domestic violence actions:

(a) Shall not dismiss any charge or delay disposition because of concurrent dissolution or other civil proceedings;

(b) Shall not require proof that either party is seeking a dissolution of marriage prior to instigation of criminal proceedings;

(c) Shall waive any requirement that the victim's location be disclosed to any person, other than the attorney of a criminal defendant, upon a showing that there is a possibility of further violence: PROVIDED, That the court may order a criminal defense attorney not to disclose to his client the victim's location; and

(d) Shall identify by any reasonable means on docket sheets those criminal actions arising from acts of domestic violence.

(2) Because of the likelihood of repeated violence directed at those who have been victims of domestic violence in the past, when any defendant charged with a crime involving domestic violence is released from custody before trial on bail or personal recognizance, the court authorizing the release may prohibit the defendant from having any contact with the victim. Wilful violation of a court order issued under this section is a misdemeanor. The written order releasing the defendant shall contain the court's directives and shall bear the legend: Violation of this order is a criminal offense under chapter 9A RCW and is also subject to civil contempt proceedings. A certified copy of such order shall be provided to the victim.

NEW SECTION. Sec. 5. When a defendant is found guilty of a crime and a condition of the sentence restricts the defendant's ability to have contact with the victim, such condition shall be recorded and a written certified copy of that order shall be provided to the victim.

NEW SECTION. Sec. 6. The public attorney responsible for making the decision whether or not to prosecute shall advise the victim of that decision within five days, and, prior to making that decision shall advise the victim, upon the victim's request, of the status of the case. Notification to the victim that charges will not be filed shall include a description of the procedures available to the victim in that jurisdiction to initiate a criminal proceeding.

NEW SECTION. Sec. 7. A peace officer shall not be held liable in any civil action for an arrest based on probable cause, enforcement in good faith of a court order, or any other action or omission in good faith under this chapter arising from an alleged incident of domestic violence brought by any party to the incident.

NEW SECTION. Sec. 8. Sections 2 through 7 of this act shall constitute a new chapter in Title 10 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.

Passed the House April 19, 1979.

Passed the Senate April 11, 1979.

Approved by the Governor April 30, 1979.

Filed in Office of Secretary of State April 30, 1979.

CHAPTER 106

[House Bill No. 450]

REGISTERED NURSES—CONTINUING NURSING EDUCATION

AN ACT Relating to registered nurses; and amending section 19, chapter 202, Laws of 1949 as last amended by section 78, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.88.190.

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

Section 1. Section 19, chapter 202, Laws of 1949 as last amended by section 78, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.88.190 are each amended to read as follows:

Every license issued under the provisions of this chapter shall be renewed, except as hereinafter provided. The board shall by regulation establish requirements of continuing nursing education as a condition of license renewal: PROVIDED, That membership in an organization shall not be a prerequisite or condition to the fulfillment of any continuous education requirement established as provided herein: PROVIDED FURTHER, That the board shall validate all educational programs established as provided herein. At least thirty days prior to expiration, the director shall mail a notice for renewal of license to every person licensed for the current licensing period. The applicant shall return the notice to the department with a renewal fee determined by the director as provided in RCW 43.24.085 as now or hereafter amended before the expiration date. Upon receipt of the notice and appropriate fee, and if requirements for continuing nursing education have been met, the department shall issue to the applicant a license which shall render the holder thereof a legal practitioner of nursing for the period stated on the license: PROVIDED, That the requirement of continuing nursing education may for good cause shown be waived by the board. The department's costs for nurses' continuing education shall be borne from licensure fees: PROVIDED FURTHER, That the power of the board to establish continuing nursing education requirements as a condition of license renewal shall terminate on January 1, 1986, unless extended by law for an additional fixed period of time.

Passed the House April 19, 1979.

Passed the Senate April 11, 1979.

Approved by the Governor April 30, 1979.

Filed in Office of Secretary of State April 30, 1979.

CHAPTER 107

[Substitute House Bill No. 481]

PROPERTY SALES AND LOANS—DOCUMENT OR INSTRUMENT PREPARATION

AN ACT Relating to the sale of property and to loans and extensions of credit and preparation of documents in connection therewith; adding a new section to Title 19 RCW; and creating new sections.

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

NEW SECTION. Section 1. There is added to Title 19 RCW a new section to read as follows:

The following individuals, firms, associations, partnerships, or corporations:

(1) Any person or entity doing business under the laws of this state or the United States relating to banks, trust companies, bank holding companies and their affiliates, mutual savings banks, savings and loan associations, credit unions, insurance companies, title insurance companies and their duly authorized agents exclusively engaged in the title insurance business, federally approved agencies or lending institutions under the National Housing Act; or

(2) Any escrow agent or escrow officer subject to the jurisdiction of the department of licensing;

when acting in such capacity in connection with a loan, forbearance, or other extension of credit, or closing, or insuring title with respect to any loan, forbearance, or extension of credit or sale or other transfer of real or personal property, may select, prepare, and complete documents and instruments relating to such loan, forbearance, or extension of credit, sale, or other transfer of real or personal property, limited to deeds, promissory notes, deeds of trusts, mortgages, security agreements, assignments, releases, satisfactions, reconveyances, contracts for sale or purchase of real or personal property, and bills of sale, provided:

(a) No such person or entity makes an additional charge for the selection, preparation, or completion of any such document or instrument;

(b) All parties to the transaction are given written notice substantially as follows: IN CONNECTION WITH THE . . . (describe the transaction) . . . (name of person or entity) . . . SELECTS, PREPARES, AND COMPLETES CERTAIN INSTRUMENTS OR DOCUMENTS WHICH MAY SUBSTANTIALLY AFFECT YOUR LEGAL RIGHTS, BUT IS DOING SO FOR ITS OWN BENEFIT AND TO PROTECT ITS OWN INTEREST IN THIS TRANSACTION. IF YOU HAVE ANY QUESTION REGARDING SUCH DOCUMENTS OR INSTRUMENTS OR YOUR RIGHTS, YOU SHOULD CONSULT AN ATTORNEY OF YOUR CHOICE; and

(c) No attorney or other agent had previously been designated in writing by a party to such documents or instruments to select and prepare the same.

NEW SECTION. Sec. 2. Notwithstanding any provision of section 1 of this act, in the event any individual, firm, association, partnership, or corporation described in section 1 of this act selects, prepares, or completes any document or instrument in connection with a transaction described in section 1 of this act, such individual, firm, association, partnership, or corporation shall be held to a standard of care equivalent to that of an attorney had such attorney selected, prepared, or completed any such instrument or document.

NEW SECTION. Sec. 3. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the House April 19, 1979.

Passed the Senate April 11, 1979.

Approved by the Governor April 30, 1979.

Filed in Office of Secretary of State April 30, 1979.

CHAPTER 108

[Substitute House Bill No. 144]

STATE INSTITUTIONAL IMPACT—LOCAL CRIMINAL JUSTICE COSTS

AN ACT Relating to state correctional institutions and institutions for the mentally ill; and adding new sections to chapter 72.06 RCW.

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

NEW SECTION. Section 1. The legislature finds that political subdivisions in which state institutions are located incur a disproportionate share of the criminal justice costs due to criminal behavior of the residents of such institutions. To redress this inequity, it shall be the policy of the state of Washington to reimburse political subdivisions which have incurred such costs.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the department of social and health services.

(2) "Political subdivisions" means counties, cities, and towns.

(3) "Institution" means any state institution operated by the department for the confinement of adult offenders committed pursuant to chapters 10-.64, 10.77, and 71.06 RCW or juvenile offenders committed pursuant to chapter 13.40 RCW.

(4) "Secretary" means the secretary of social and health services.

NEW SECTION. Sec. 3. There is hereby created, in the general fund, an institutional impact account which shall be administered by the secretary. The purpose of this fund is to reimburse political subdivisions for criminal justice costs incurred directly as a result of crimes committed by offenders residing in an institution as defined herein. The secretary shall make such reimbursement to the extent funds are available. Reimbursements shall be limited to law enforcement, prosecutorial, judicial, and jail facilities costs which are documented to be strictly related to the criminal activities of the offender.

NEW SECTION. Sec. 4. (1) The secretary shall promulgate rules pursuant to chapter 34.04 RCW regarding the reimbursement process.

(2) Reimbursement shall not be made if otherwise provided pursuant to other provisions of state law.

NEW SECTION. Sec. 5. Sections 1 through 4 of this act shall be added to chapter 72.06 RCW.

Passed the House March 21, 1979.

Passed the Senate April 18, 1979.

Approved by the Governor April 30, 1979.

Filed in Office of Secretary of State April 30, 1979.

CHAPTER 109

[Substitute Senate Bill No. 2058]

PUBLIC LANDS—SALE OR LEASE

AN ACT Relating to public lands; amending section 9, chapter 255, Laws of 1927 and RCW 79.01.036; amending section 22, chapter 255, Laws of 1927 as last amended by section 4, chapter 163, Laws of 1967 and RCW 79.01.088; amending section 23, chapter 255, Laws of 1927 as last amended by section 3, chapter 78, Laws of 1967 ex. sess. and RCW 79.01.092; amending section 24, chapter 255, Laws of 1927 as last amended by section 1, chapter 200, Laws of 1971 ex. sess. and RCW 79.01.096; amending section 34, chapter 255, Laws of 1927 as amended by section 14, chapter 257, Laws of 1959 and RCW 79.01.136; amending section 35, chapter 255, Laws of 1927 and RCW 79.01.140; amending section 37, chapter 255, Laws of 1927 as amended by section 1, chapter 57, Laws of 1935 and RCW 79.01.148; amending section 59, chapter 255, Laws of 1927 as last amended by section 27, chapter 257, Laws of 1959 and RCW 79.01.236; amending section 61, chapter 255, Laws of 1927 as last amended by section 1, chapter 46, Laws of 1969 ex. sess. and RCW 79.01.244; amending section 62, chapter 255, Laws of 1927 and RCW 79.01.248; amending section 63, chapter 255, Laws of 1927 and RCW 79.01.252; amending section 64, chapter 255, Laws of 1927 and RCW 79.01.256; amending section 65, chapter 255, Laws of 1927 and RCW 79.01.260; amending section 66, chapter 255, Laws of 1927 and RCW 79.01.264; amending section 67, chapter 255, Laws of 1927 as amended by section 1, chapter 139, Laws of 1933 and RCW 79.01.268; amending section 190, chapter 255, Laws of 1927 as amended by section 1, chapter 153, Laws of 1959 and RCW 79.01.720; amending section 191, chapter 255, Laws of 1927 and RCW 79.01.724; amending section 1, chapter 203, Laws of 1949 as amended by section 10, chapter 73, Laws of 1961 and RCW 79.12.570; amending section 2, chapter 324, Laws of 1955 and RCW 79.28.080; adding new sections to chapter 255, Laws of 1927 and to chapter 79.01 RCW; repealing section 68, chapter 255, Laws of 1927, section 30, chapter 257, Laws of 1959 and RCW 79.01.272; repealing section 69, chapter 255, Laws of 1927, section 31, chapter 257, Laws of 1959 and RCW 79.01.276; repealing section 70, chapter 255, Laws of 1927 and RCW 79.01.280; repealing section 72, chapter 255, Laws of 1927, section 33, chapter 257, Laws of 1959 and RCW 79.01.288; repealing section 36, chapter 255, Laws of 1927 and RCW 79.01.144; repealing section 2, chapter 203, Laws of 1949 and RCW 79.12.580; repealing section 3, chapter 203, Laws of 1949 and RCW 79.12.590; repealing section 3, chapter 85, Laws of 1923 and RCW 79.28.060; and providing an effective date.

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

Section 1. Section 9, chapter 255, Laws of 1927 and RCW 79.01.036 are each amended to read as follows:

Whenever used in this chapter the term "improvements" when referring to public lands belonging to the state shall mean anything considered a fixture in law placed upon or attached to such lands(~~(, or any change made in their previous condition)~~) that has (~~(added)~~) changed the value (~~(to)~~) of the

lands or any changes in the previous condition of the fixtures that changes the value of the land.

Sec. 2. Section 22, chapter 255, Laws of 1927 as last amended by section 4, chapter 163, Laws of 1967 and RCW 79.01.088 are each amended to read as follows:

Any person desiring to purchase any state lands, or to purchase any tide or shore lands, or to purchase any timber, fallen timber, stone, gravel or other valuable materials situated on state, tide or shore lands, or to lease any state, tide or shore lands, or harbor areas, shall file in the office of the commissioner of public lands an application, on the proper form ~~((and in case of application for the purchase of lands, or for the purchase of timber, fallen timber, stone, gravel or other valuable materials, shall deposit with the application not less than ten cents per acre for the land or material applied for, but in no case less than ten dollars, and in case of application for lease for any purpose, except mining of valuable minerals or coal, or extraction of petroleum or gas, shall deposit the sum of ten dollars, which deposit shall be returned to the applicant in case the land or materials applied for is sold, or the land or area leased, when offered pursuant to the application, but in case the land or material is not sold, or the land or area not leased, by reason of the failure of the applicant to bid the appraised value, or the fixed rental thereof, when the same is offered, the deposit shall be forfeited to the state and paid into the state treasury to the credit of the general fund))~~ which shall be accompanied by reasonable fees to be prescribed by the board of natural resources in an amount sufficient to defray the cost of performing or otherwise providing for the processing, review, or inspection of the applications or activities permitted pursuant to the applications for each category of services performed. These fees shall be credited to the Resource Management Cost Account (RMCA) fund in the general fund.

Sec. 3. Section 23, chapter 255, Laws of 1927 as last amended by section 3, chapter 78, Laws of 1967 ex. sess. and RCW 79.01.092 are each amended to read as follows:

When in the judgment of the department of natural resources, ~~((a))~~ there is sufficient ((number of applications)) interest for the appraisal and sale, or the lease, for any lawful purpose, excepting mining of valuable minerals or coal, or extraction of petroleum or gas, of state lands, ~~((have been received;))~~ the department shall cause each tract of land ~~((so applied for))~~ to be inspected ~~((by one or more state land inspectors))~~ as to its ~~((character;))~~ topography, development potential, forestry, agricultural and grazing qualities, ((timber;)) coal, mineral, stone, gravel or other valuable material, the distance from any city or town, railroad, river, irrigation canal, ditch or other waterway, and location of utilities ~~((and a full report thereof to be made to the department, together with the inspector's judgment as to the present and prospective value, or rental value, as the case~~

may be)). In case of an application to purchase land granted to the state for educational purposes, the department shall submit ((said)) a report ((together with all other information in the records of the office of the department of natural resources concerning the land applied for,)) to the board of natural resources, which board shall fix the value per acre of each lot, block, subdivision or tract proposed to be sold in one parcel, which value shall be not less than ten dollars per acre. In case of applications to purchase state lands, other than lands granted to the state for educational purposes and capitol building lands, the department shall appraise and fix the value thereof. In case of ((applications)) interest for the lease of state lands, for any lawful purposes other than that of mining for valuable minerals or coal, or extraction of petroleum or gas, the department shall fix the rental value thereof, and ((shall fix the limit of the value of the improvements that may be placed upon said land by any lessee of the state, and may, in case the land is leased, at any time during the life of the lease, extend the limit of value of the improvements that may be placed upon the land covered by the lease, if he deems it advisable and for the best interest of the state, by written order which shall be filed with the lease in the department of natural resources, and a copy mailed to the lessee at his last known post office address, and upon the expiration of such lease the department, shall not appraise said improvements in an amount exceeding the limit so fixed by the department. PROVIDED, That the board of natural resources, in considering the management of individual tracts of state lands, shall include in their consideration of the financial benefits that may accrue to the particular beneficiary of such trust land any increased financial benefits that the beneficiary may receive from direct and indirect state and local taxes, including improvement in values resulting from private development and the local taxation benefits therefrom, if the property were to be sold into private ownership)) only improvements authorized in writing by the department of natural resources or consistent with the approved plan of development shall be placed on state lands under lease and these improvements shall become the property of the state at the expiration or termination of the lease unless otherwise agreed upon under the terms of the lease: PROVIDED, That these improvements may be required by the department of natural resources to be removed at the end of the lease term by the lessee at his expense. Any improvements placed upon any state lands without the written authority of the commissioner of public lands shall become the property of the state and be considered part of the land.

Sec. 4. Section 24, chapter 255, Laws of 1927 as last amended by section 1, chapter 200, Laws of 1971 ex. sess. and RCW 79.01.096 are each amended to read as follows:

Not more than one hundred and sixty acres of any land granted to the state by the United States shall be offered for sale in one parcel and no

university lands shall be offered for sale except by legislative directive or with the consent of the board of regents of the University of Washington.

Any land granted to the state by the United States may be sold or leased for any lawful purpose in such minimum ~~((areas))~~ acreage as may be fixed by the department of natural resources.

Except as otherwise provided in RCW 79.01.770, upon the application of a school district or any institution of higher education for the purchase or lease of lands granted to the state by the United States, the department of natural resources may offer such land for sale or lease to such school district or institution of higher education in such ~~((maximum))~~ acreage as it may determine, consideration being given upon application of a school district to school site criteria established by the state board of education: ~~PROVIDED, That~~ in the event the department thereafter proposes to offer such land for sale or lease at public auction such school district or institution of higher education shall have a preference right for six months from notice of such proposal to purchase or lease such land at the appraised value determined by the board of natural resources.

~~((Land granted to the))~~ State lands shall not be leased for a longer period than ten years: ~~PROVIDED, That~~ such lands may be leased for the purpose of prospecting for, developing and producing oil, gas and other hydrocarbon substances or for the mining of coal subject to the provisions of chapter 79.14 RCW and RCW 79.01.692~~((: PROVIDED FURTHER, That))~~. Such lands may be leased for agricultural purposes for any period not to exceed twenty-five years~~((: PROVIDED FURTHER, That))~~. Such lands may be leased for public school, college or university purposes for any period not exceeding seventy-five years~~((: PROVIDED FURTHER, That))~~. Such lands may be leased for commercial, ~~((residential))~~ industrial, business, or recreational purposes for any period not exceeding fifty-five years~~((: AND, PROVIDED FURTHER, That, as to lands under lease on July 30, 1967 for commercial, residential, business or recreational purposes for a period of not to exceed twenty years, the lessee shall have an option for a new lease for such lands for an additional period not exceeding thirty-five years, the terms and conditions of said new lease to be fixed by the department: AND, PROVIDED FURTHER, That))~~. Such lands may be leased for residential purposes for any period not to exceed ninety-nine years. If during the term of the lease of any state lands for commercial, residential, business, or recreational purposes, in the opinion of the department it is in the best interest of the state so to do, the department may, on the application of the lessee and in agreement with the lessee, alter and amend the terms and conditions of such lease ~~((as to the types and conditions of commercial, residential, business or recreational enterprises conducted on such leased premises and the rent to be paid))~~. The sum total of the original lease term and any extension thereof shall not exceed the limits provided herein.

Sec. 5. Section 34, chapter 255, Laws of 1927 as amended by section 14, chapter 257, Laws of 1959 and RCW 79.01.136 are each amended to read as follows:

~~Before any state lands are offered for sale, or ((before any state lands are offered for lease, the commissioner of public lands shall separately appraise all improvements situated thereon at the time of the appraisal of the land, at such sum as the improvements add to the value of the land for the purpose of selling the same, and shall also appraise all damages and waste committed or suffered upon such lands by the cutting or removal of timber, or the removal of stone, gravel or other valuable material, by the person or persons owning such improvements, or their assignors, and the damages so found shall be deducted from the appraised value of the improvements, and the balance, after deducting such damages and waste, shall be the value of the improvements upon the land, and every such appraisal shall be recorded in the office of the commissioner of public lands, but nothing herein shall be construed as affecting the right of the state to receive the full value of the land))~~ lease, or are assigned, the department of natural resources may establish the fair market value of those authorized improvements not owned by the state. In the event that agreement cannot be reached between the state and the lessee on the fair market value, such valuation shall be submitted to a review board of appraisers. The board shall be as follows: One member to be selected by the lessee and his expense shall be borne by the lessee; one member selected by the state and his expense shall be borne by the state; these members so selected shall mutually select a third member and his expenses shall be shared equally by the lessee and the state. The majority decision of this appraisal review board shall be binding on both parties. For this purpose "fair market value" is defined as: The highest price in terms of money which a property will bring in a competitive and open market under all conditions of a fair sale, the buyer and seller, each prudently knowledgeable and assuming the price is not affected by undue stimulus. All damages and wastes committed upon such lands and other obligations due from the lessee shall be deducted from the appraised value of the improvements: PROVIDED, That the department of natural resources on behalf of the respective trust may purchase at fair market value those improvements if it appears to be in the best interest of the state from the RMCA of the general fund.

Sec. 6. Section 35, chapter 255, Laws of 1927 and RCW 79.01.140 are each amended to read as follows:

No lessee of state lands shall remain in possession of said lands(~~(, or the improvements thereon;))~~ after the termination or expiration of his lease, without the written consent of the commissioner of public lands, and then only upon such terms and conditions as such written consent shall prescribe(~~(. At any time within sixty days after the termination or expiration of any such lease the owner of said improvements shall be entitled to remove~~

~~such thereof as can be removed without injury to the land~~): PROVIDED, That the department of natural resources may authorize for a specific period beyond the term of the lease cropping improvements for the purpose of crop rotation which shall be deemed authorized improvements.

Sec. 7. Section 37, chapter 255, Laws of 1927 as amended by section 1, chapter 57, Laws of 1935 and RCW 79.01.148 are each amended to read as follows:

If the purchaser of state lands be not the owner of the authorized improvements thereon, he shall deposit with the ~~((officer))~~ auctioneer making the sale, at the time of the sale, the appraised value of such improvements, and ~~((if it be found by the commissioner of public lands that the owner of such improvements was not holding adversely to the state at the time of the making thereof, or that said improvements were placed upon the land in good faith by a lessee of the state whose lease had not been canceled or become subject to cancellation for any cause, or that such improvements were placed upon the land by mistake, then))~~ the commissioner shall pay to the owner of said improvements the sum so deposited ~~((, but if it be found that such improvements were made by persons holding or claiming adversely to the state, or by persons without license or lease from the state, or by a lessee or contract holder who had not complied with the terms of his lease or contract, or by a lessee or other person with intent to defraud the state or the intending purchaser of the land from the state, then the sum so deposited shall be paid into the state treasury to be placed to the credit of the fund into which the proceeds derived from the sale of the land should be paid))~~: PROVIDED, That when the improvements are owned by the state in accordance with the provisions of this ((section)) chapter or have been acquired by the state by escheat or operation of law ((in accordance with the provisions of RCW 43.12.100,)) the purchaser may, in case of sale, pay for such improvements in equal annual installments at the same time, and with the same rate of interest on deferred payments, as the installments of the purchase price of the land are paid, and under such rules and regulations regarding use and care of said improvements as may be fixed by the commissioner of public lands.

Sec. 8. Section 59, chapter 255, Laws of 1927 as last amended by section 27, chapter 257, Laws of 1959 and RCW 79.01.236 are each amended to read as follows:

Whenever the holder of a contract of purchase of any state lands, or of any tide or shore lands, or the holder of any lease of any such lands, except for mining of valuable minerals, or coal, or extraction of petroleum or gas, shall surrender the same to the commissioner with the request to have it divided into two or more contracts, or leases, the commissioner may divide the same and issue new contracts, or leases, but no new contract, or lease, shall issue while there is due and unpaid any interest, rental, or taxes or assessments on the land held under such contract or lease, nor in any case where

the commissioner is of the opinion that the state's security would be impaired or endangered by the proposed division. For all such new contracts, or leases, a fee ~~((of five dollars))~~ as determined by the board of natural resources for each new contract~~((;))~~ or lease~~((;))~~ issued, shall be paid by the applicant and such fee shall be paid into the state treasury ~~((with other fees of the office))~~ to the RMCA in the general fund.

Sec. 9. Section 61, chapter 255, Laws of 1927 as last amended by section 1, chapter 46, Laws of 1969 ex. sess. and RCW 79.01.244 are each amended to read as follows:

~~((1)) The department of natural resources shall be authorized to lease to the highest bidder at public auction, any state lands, for any lawful purpose, except mining of valuable minerals or coal or extraction of petroleum or gas, but such lands shall not be leased for less than the appraised rental value thereof, nor shall agricultural lands be leased for less than fifty cents per acre.~~

~~((2))~~ All state lands hereafter leased for grazing or agricultural purposes shall be open and available to the public for purposes of hunting and fishing unless closed to public entry because of fire hazard or unless the department of natural resources gives prior written approval and the area is lawfully posted by lessee to prohibit hunting and fishing thereon in order to prevent damage to crops or other land cover, to improvements on the land, to livestock, to the lessee, or to the general public, or closure is necessary to avoid undue interference with carrying forward a departmental or agency program. In the event any such lands are so posted it shall be unlawful for any person to hunt or fish on any such posted lands.

~~((3))~~ The department of natural resources shall insert the provisions of ~~((subsection (2) of))~~ this section in all grazing and agricultural leases hereafter issued.

~~((4) In judging the best and highest bid from lease proposals for recreational use of state owned land, the department of natural resources may seek and favor proposals providing for a public use of the leased premises that will provide comparable rental income to the state.)~~

NEW SECTION. Sec. 10. There is added to chapter 255, Laws of 1927 and to chapter 79.01 RCW a new section to read as follows:

(1) Subject to other provisions of this chapter and subject to regulations promulgated by the board of natural resources, the department may lease state lands for such purpose or purposes as it deems advisable, including, but not limited to, commercial, industrial, residential, agricultural, and recreational purposes in order to obtain a fair market rental return to the state or the appropriate constitutional or statutory trust. Every lease issued by the department, shall contain: (a) The specific use or uses to which the land is to be employed; (b) the improvements required: PROVIDED, That a minimum reasonable time be allowed for the completion of the improvements;

(c) the rent as established shall be payable in advance in quarterly, semianual, or annual payments, as determined by the department or as agreed upon by the lessee and the department of natural resources; (d) such other terms and conditions as the department deems advisable, subject to review by the board of natural resources, to more nearly effectuate the purposes of the state Constitution and of this chapter.

(2) The department may authorize the use of state land by lease at state auction for initial leases or by negotiation for existing leases. Notice of intent to lease by negotiation shall be published in at least two newspapers of general circulation in the area in which the land which is to be the subject of negotiation is located within the thirty days immediately preceding commencement of negotiations.

(3) Any person, firm or corporation desiring to lease any state lands for any purpose not prohibited by law, may make application to the department, describing the lands sought to be leased on forms to be provided by the department.

(4) Notwithstanding any provision in this chapter to the contrary, in leases for residential purposes, the board of natural resources may waive or modify any conditions of the lease if the waiver or modification is necessary to enable any federal agency or lending institution authorized to do business in this state or elsewhere in the United States to participate in any loan secured by a security interest in a leasehold interest.

(5) Upon expiration of the lease term, if the leased land is not otherwise utilized, the department may allow the lessee to continue to hold the land for a period not exceeding one year upon such rent, terms, and conditions as the department may prescribe. Upon the expiration of the one year extension, if the department has not yet decided upon the disposition of the land for other purposes, the department may issue a temporary permit to the lessee upon such terms and conditions as it may prescribe. The temporary permit, if issued, may not extend beyond a five year period.

Sec. 11. Section 62, chapter 255, Laws of 1927 and RCW 79.01.248 are each amended to read as follows:

~~When ((in the judgment of the commissioner of public lands a sufficient number of applications for leases as provided in the preceding section, have been received from any one county, the commissioner shall certify a list of such lands so applied for, and any other lands he may deem advisable to offer for lease at the same time, to the auditor of the county in which such lands are situated, and fix the time and place when and where)) the department of natural resources shall have decided to lease any state lands at public auction it shall be the duty of the department to fix the date, place, and time when such lands shall be offered for lease((, and describe the character of the lands)).~~

Sec. 12. Section 63, chapter 255, Laws of 1927 and RCW 79.01.252 are each amended to read as follows:

~~((Upon the receipt of any certified list of lands offered for lease, the county auditor shall post said list for a period of thirty days prior to the date of leasing,))~~ The department shall give thirty days notice of the public auction leasing by posting in some conspicuous place in ((his office, and elsewhere in the county, as the commissioner of public lands may direct, and on the day and at the place fixed by the commissioner, shall offer the lands described in the list, in separate tracts as directed by the commissioner, for lease)) the county auditor's office, the office of the commissioner of public lands and the area headquarters of the department of natural resources administering such lease, and in at least two newspapers of general circulation in the area in which the leasing shall occur. The notice shall specify the place and time of auction, the appraised value thereof, and describe each parcel to be leased, and the terms and conditions of the lease.

The leasing shall be conducted under the direction of the commissioner of public lands by his authorized representative, or by the auditor for the county in which the land to be leased is located. The commissioner's representative and the county auditor are hereinafter referred to as auctioneers.

The commissioner of public lands is authorized to expend an amount necessary in additional advertising of such lease as he shall determine to be for the best interest of the state.

When leases are auctioned by the county auditor the auction shall take place in the county where the state land to be leased is situated at such place as specified in the notice. All other leases shall be held at the departmental area office having jurisdiction over the leases. Auction shall be conducted between the hours of ten o'clock in the morning and four o'clock in the afternoon. All leasing at public auction shall be by oral or by sealed bid to the highest bidder on the terms prescribed by law and as specified in the notice hereinbefore provided, and no state land shall be leased for less than the appraised value.

Sec. 13. Section 64, chapter 255, Laws of 1927 and RCW 79.01.256 are each amended to read as follows:

The person or persons to whom any lease of state lands is awarded, shall pay to the ~~((county auditor))~~ auctioneer in cash or by certified check or accepted draft on any bank in this state, the ~~((first year's))~~ rental in accordance with his bid, and thereafter all rentals shall be paid ~~((annually))~~ in advance to the commissioner of public lands.

Sec. 14. Section 65, chapter 255, Laws of 1927 and RCW 79.01.260 are each amended to read as follows:

~~((When any state lands shall have been leased by the county auditor of any county, the auditor shall at once certify a list of such lands to the commissioner of public lands, giving the name of each lessee, his post office address, the term of the lease, the lease price per annum, the amount paid on the lease, and any other information required by the commissioner of public lands, and shall forward to the commissioner one))~~ When any state lands

have been leased, the auctioneer shall send to the commissioner such cash, certified check, draft or ((postal)) money order((, payable to the order of the commissioner of public lands, for all moneys so paid him on leases. The commissioner shall issue a receipt to the auditor for the total amount of money received, and a receipt to each lessee for the amount paid, which shall be in duplicate, the original receipt to be sent to the lessee and the duplicate thereof kept in the office of the commissioner. If the commissioner shall approve any lease he shall pay the moneys received therefor over to the state treasurer, together with a statement showing the funds to which said moneys, respectively, belong, and take his receipt therefor)) received from the successful bidder, together with any additional report of his proceedings as may be required by the commissioner.

Sec. 15. Section 66, chapter 255, Laws of 1927 and RCW 79.01.264 are each amended to read as follows:

The commissioner of public lands may reject any and all bids for leases when the interests of the state shall justify it, and in such case he shall forthwith refund to the person paying the same, any ((moneys paid,)) rental and bid deposit upon the return of receipts issued therefor. If the commissioner approve any leasing made by the ((county auditor)) auctioneer he shall proceed to issue a lease to the lessee upon a form ((to be prescribed)) approved by the attorney general. All such leases shall be in duplicate, both to be signed by the lessee, and by the commissioner of public lands on behalf of the state, with the seal of the commissioner of public lands attached thereto. The original lease shall be forwarded to the lessee and the duplicate copy kept in the office of the commissioner of public lands.

Sec. 16. Section 67, chapter 255, Laws of 1927 as amended by section 1, chapter 139, Laws of 1933 and RCW 79.01.268 are each amended to read as follows:

The commissioner of public lands shall keep a full and complete record of all leases issued under the provisions of the preceding sections and the payments made thereon~~((, and not more than forty nor less than thirty days before the time any rental becomes due the commissioner of public lands shall cause to be mailed to the lessee a notice stating the date upon which his rental falls due and the amount thereof))~~. If such rental be not paid on or before the date the same becomes due, according to the terms of the lease, the commissioner of public lands shall declare a forfeiture, cancel the lease and eject the lessee from the land: PROVIDED, That the commissioner of public lands may extend the time for payment of annual rental when, in his judgment, the interests of the state will not be prejudiced thereby.

NEW SECTION. Sec. 17. There is added to chapter 255, Laws of 1927 and to chapter 79.01 RCW a new section to read as follows:

Holders of existing leases for state lands may apply for a conversion to a new lease as authorized by this chapter within two years of the effective date of this act. The amount of time expired under any existing lease so converted shall be included in the calculation of the maximum lease term allowed in RCW 79.01.096.

Sec. 18. Section 190, chapter 255, Laws of 1927 as amended by section 1, chapter 153, Laws of 1959 and RCW 79.01.720 are each amended to read as follows:

The commissioner of public lands for services performed by him, may charge and collect ~~((the following fees: (1) For a copy of any record, document, or paper on file in his office, one dollar per page; (2) for affixing a certificate and seal, one dollar; (3) for each original contract of sale, lease, or bill of sale, five dollars; (4) for each deed, five dollars; (5) for issuance of each harbor area lease and approval of bond, five dollars; (6) for approval of each assignment of contract, lease, or bill of sale, five dollars; (7) for subdivision and issuance of new contracts, after the original has been entered on the records, five dollars for each contract; (8) for each right of way certificate issued, five dollars))~~ fees as determined by the board of natural resources for each category of services performed based on costs incurred.

Sec. 19. Section 191, chapter 255, Laws of 1927 and RCW 79.01.724 are each amended to read as follows:

The commissioner of public lands shall keep a fee book, in which shall be entered all fees received by him, with the date paid and the name of the person paying the same, and the nature of the services rendered for which the fee is charged, which book shall be verified monthly by his affidavit entered therein, and all fees collected by him shall be paid into the state treasury ~~((in the manner and at the time provided by law for the payment of moneys received by state officers;))~~ to the RMCA within the general fund and the receipt of the state treasurer taken therefor and retained in the office of the commissioner of public lands as a voucher.

Sec. 20. Section 1, chapter 203, Laws of 1949 as amended by section 10, chapter 73, Laws of 1961 and RCW 79.12.570 are each amended to read as follows:

The commissioner of public lands may lease ~~((agricultural school and granted))~~ state lands on a share crop basis. Share crop leases shall be on such terms and conditions and for such length of time, not to exceed ten years, as the commissioner may prescribe. Upon receipt of a written application to lease ~~((agricultural school and granted))~~ state lands, the commissioner shall make such investigations as he shall deem necessary and if he finds that such a lease would be advantageous to the state, he may proceed with the leasing of such lands on said basis as other state lands are leased.

Sec. 21. Section 2, chapter 324, Laws of 1955 and RCW 79.28.080 are each amended to read as follows:

In order to encourage the improvement of grazing ranges by holders of grazing permits, the land commissioner shall consider (1) extension of grazing permit periods to a maximum of ~~((five))~~ ten years, and (2) reduction of grazing fees, in situations where the permittee contributes or agrees to contribute to the improvement of the range, financially, by labor, or otherwise.

NEW SECTION. Sec. 22. There is added to chapter 255, Laws of 1927 and to chapter 79.01 RCW a new section to read as follows:

RCW 79.01.092, 79.01.096, 79.01.136, 79.01.140, 79.01.148, 79.01.244, 79.01.248, 79.01.252, 79.01.256, 79.01.260, 79.01.264, 79.01.268, 79.01.724, 79.12.570, and 79.28.080 and sections 10 and 17 of this 1979 act do not apply to state tidelands, shorelands, harbor areas, and the beds of navigable waters.

NEW SECTION. Sec. 23. The following acts or parts of acts are each repealed:

- (1) Section 68, chapter 255, Laws of 1927, section 30, chapter 257, Laws of 1959 and RCW 79.01.272;
- (2) Section 69, chapter 255, Laws of 1927, section 31, chapter 257, Laws of 1959 and RCW 79.01.276;
- (3) Section 70, chapter 255, Laws of 1927 and RCW 79.01.280;
- (4) Section 72, chapter 255, Laws of 1927, section 33, chapter 257, Laws of 1959 and RCW 79.01.288;
- (5) Section 36, chapter 255, Laws of 1927 and RCW 79.01.144;
- (6) Section 2, chapter 203, Laws of 1949 and RCW 79.12.580;
- (7) Section 3, chapter 203, Laws of 1949 and RCW 79.12.590; and
- (8) Section 3, chapter 85, Laws of 1923 and RCW 79.28.060.

NEW SECTION. Sec. 24. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 25. The provisions of this 1979 amendatory act shall take effect September 26, 1979.

Passed the Senate April 25, 1979.

Passed the House April 23, 1979.

Approved by the Governor May 2, 1979.

Filed in Office of Secretary of State May 2, 1979.

CHAPTER 110

[Engrossed Substitute Senate Bill No. 2197]

MILL TAILINGS LICENSING AND PERPETUAL CARE ACT OF 1979

AN ACT Relating to energy and utilities; adding a new chapter to Title 70 RCW; and prescribing an effective date.

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

NEW SECTION. Section 1. The legislature finds that:

(1) The milling of uranium and thorium creates potential hazards to the health of the citizens of the state of Washington in that potentially hazardous radioactive isotopes, decay products of uranium and thorium, naturally occurring in relatively dispersed geologic formations, are brought to one location on the surface and pulverized in the process of mining and milling uranium and thorium.

(2) These radioactive isotopes, in addition to creating a field of gamma radiation in the vicinity of the tailings area, also exude potentially hazardous radioactive gas and particulates into the atmosphere from the tailings areas, and contaminate the milling facilities, thereby creating hazards which will be present for many generations.

(3) The public health and welfare of the citizens demands that the state assure that the public health be protected by requiring that: (a) prior to the termination of any radioactive materials license, all milling facilities and associated tailings piles will be decommissioned in such a manner as to bring the potential public health hazard to a minimum; and (b) such environmental radiation monitoring as is necessary to verify the status of decommissioned facilities will be conducted.

NEW SECTION. Sec. 2. Unless the context clearly requires a different meaning, the definitions in this section apply throughout this chapter.

(1) "Department" means the department of social and health services.

(2) "Secretary" means the secretary of social and health services.

(3) "Site" means the restricted area as defined by the United States nuclear regulatory commission.

(4) "Tailings" means the residue remaining after extraction of uranium or thorium from the ore whether or not the residue is left in piles, but shall not include ore bodies nor ore stock piles.

(5) "License" means a radioactive materials license issued under chapter 70.98 RCW and the rules adopted under chapter 70.98 RCW.

(6) "Termination of license" means the cancellation of the license after permanent cessation of operations. Temporary interruptions or suspensions of production due to economic or other conditions are not a permanent cessation of operations.

NEW SECTION. Sec. 3. (1) Any person who proposes to operate a uranium or thorium mill within the state of Washington after January 1, 1980, shall obtain a license from the department to mill thorium and uranium. The period of the license shall be determined by the secretary and shall be initially valid for not more than two years and renewable thereafter for periods of not more than five years. No license may be granted unless:

(a) The owner or operator of the mill submits to the department a plan for reclamation and disposal of tailings and for decommissioning the site

that conforms to the criteria and standards then in effect for the protection of the public safety and health; and

(b) The owner of the mill agrees to transfer or revert to the appropriate state or federal agency upon termination of the license all lands, buildings, and grounds, and any interests therein, necessary to fulfill the purposes of this chapter except where the lands are held in trust for or are owned by any Indian tribe.

(2) Any person operating a uranium or thorium mill on the effective date of this act shall, at the time of application for renewal of his license to mill thorium or uranium, comply with the following conditions for continued operation of the mill:

(a) The owner or operator of the mill shall submit to the department a plan for reclamation and disposal of tailings and for decommissioning the site that conforms to the criteria and standards then in effect for the protection of the public safety and health; and

(b) The owner of the mill shall agree to transfer or revert to the appropriate state or federal agency upon termination of the license all lands, buildings, and grounds, and any interests therein, necessary to fulfill the purposes of this chapter except where the lands are held in trust for or are owned by any Indian tribe.

(3) The department shall, after public notice and opportunity for written comment, hold a public hearing to consider the adequacy of the proposed plan to protect the safety and health of the public required by subsections (1) and (2) of this section. The proceedings shall be recorded and transcribed. The public hearing shall provide the opportunity for cross-examination by both the department and the person proposing the plan required under this section. The department shall make a written determination as to the licensing of the mill which is based upon the findings included in the determination and upon the evidence presented during the public comment period. The determination is subject to judicial review. If a declaration of nonsignificance is issued for a license renewal application under rules adopted under chapter 43.21C RCW, the public hearing is not required.

(4) The department shall set a schedule of license and amendment fees predicated on the cost of reviewing the license application and of monitoring for compliance with the conditions of the license. A permit for construction of a uranium or thorium mill may be granted by the secretary prior to licensing.

NEW SECTION. Sec. 4. The secretary or his representative shall monitor the operations of the mill for compliance with the conditions of the license by the owner or operator. The mill owner or operator shall be responsible for compliance, both during the lifetime of the facility and at shutdown, including but not limited to such requirements as fencing and posting the site; contouring, covering, and stabilizing the pile; and for decommissioning the facility.

NEW SECTION. Sec. 5. On a quarterly basis on and after January 1, 1980, there shall be levied and the department shall collect a charge of five cents per pound on each pound of uranium or thorium compound milled out of the raw ore. The total charges collected from a licensee shall not exceed one million dollars. All moneys paid to the department from these charges shall be deposited in a special security fund in the treasury of the state of Washington to be known as the "radiation perpetual maintenance fund". This security fund shall be used by the department when a licensee has ceased to operate and the site may still contain, or have associated with the site at which the licensed activity was conducted in spite of full compliance with section 3 of this act, radioactive material which will require further maintenance, surveillance, or other care. If, with respect to a licensee, the department determines that the estimated total of these charges will be less than or greater than that required to defray the estimated cost of administration of this responsibility, the department may prescribe such an increased or decreased charge as is considered necessary for this purpose, but in any case such charge may not exceed one million dollars. If, at termination of the license, the department determines that by the applicable standards and practices then in effect, the charges which have been collected from the licensee and earnings generated therefrom are in excess of the amount required to defray the cost of this responsibility, the department may refund the excess portion to the licensee.

Moneys in the radiation perpetual maintenance fund shall be invested by the state finance committee in the manner as other state moneys.

NEW SECTION. Sec. 6. In order to provide for the proper care and surveillance of sites under section 5 of this act, the state may acquire by gift or transfer from any government agency, corporation, partnership, or person, all lands, buildings, and grounds necessary to fulfill the purposes of this chapter. Any such gift or transfer shall be subject to approval by the department. In exercising the authority of this section, the department shall take into consideration the status of the ownership of the land and interests therein and the ability of the licensee to transfer title and custody thereof to the state.

NEW SECTION. Sec. 7. Recognizing the uncertainty of the existence of a person or corporation in perpetuity, and recognizing that ultimate responsibility to protect the public health and safety must be reposed in a solvent government, without regard to the existence of any particular agency or department thereof, all lands, buildings, and grounds acquired by the state under section 6 of this act shall be owned in fee simple by the state and dedicated in perpetuity to the purposes stated in section 6 of this act. All radioactive material received at a site and located therein at the time of acquisition of ownership by the state shall become the property of the state.

NEW SECTION. Sec. 8. If a person licensed by any governmental agency other than the state or if any other governmental agency desires to transfer a site to the state for the purpose of administering or providing perpetual care, a lump sum payment shall be made to the radiation perpetual maintenance fund. The amount of the deposit shall be determined by the department taking into consideration the factors stated in section 5 of this act.

NEW SECTION. Sec. 9. Each licensee under this chapter, as a condition of his license, shall submit to whatever reasonable on-site inspections and on-site monitoring as required in order for the department to carry out its responsibilities and duties under this chapter. Such on-site inspections and monitoring shall be conducted without the necessity of any further approval or any permit or warrant therefor.

NEW SECTION. Sec. 10. The secretary or the secretary's duly authorized representative shall require the posting of a bond by licensees to be used exclusively to provide funds in the event of abandonment, default, or other inability of the licensee to meet the requirements of the department. The secretary may establish bonding requirements by classes of licensees and by range of monetary amounts. In establishing these requirements, the secretary shall consider the potential for contamination, injury, cost of disposal, and reclamation of the property.

NEW SECTION. Sec. 11. A bond shall be accepted by the department if it is a bond issued by a fidelity or surety company admitted to do business in the state of Washington, a personal bond secured by such collateral as the secretary deems satisfactory, or a cash bond.

NEW SECTION. Sec. 12. All bonds forfeited shall be paid to the department for deposit in the radiation perpetual maintenance fund. All moneys in this fund may only be expended by the department as necessary for the protection of the public health and safety and shall not be used for normal operating expenses of the department.

NEW SECTION. Sec. 13. All state, local, or other governmental agencies, or subdivisions thereof, are exempt from the bonding requirements of this chapter. The secretary may by rule exempt classes of licensees from the bonding requirements of this chapter when the secretary finds that the exemption will not result in a significant risk to the public health and safety.

NEW SECTION. Sec. 14. This chapter is cumulative and not exclusive, and no part of this chapter shall be construed to repeal any existing law specifically enacted for the protection of the public health and safety.

NEW SECTION. Sec. 15. This chapter may be known as the "Mill Tailings Licensing and Perpetual Care Act of 1979".

NEW SECTION. Sec. 16. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or

the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 17. Sections 1 through 15 of this act shall constitute a new chapter in Title 70 RCW.

NEW SECTION. Sec. 18. This act shall take effect on January 1, 1980.

Passed the Senate April 24, 1979.

Passed the House April 12, 1979.

Approved by the Governor May 2, 1979.

Filed in Office of Secretary of State May 2, 1979.

CHAPTER 111

[Substitute Senate Bill No. 2422]

PHYSICIANS—CHIROPRACTORS—PROFESSIONAL DISCIPLINE

AN ACT Relating to professional discipline; amending section 3, chapter 202, Laws of 1955 as last amended by section 1, chapter 61, Laws of 1975 and RCW 18.72.030; amending section 6, chapter 202, Laws of 1955 and RCW 18.72.060; amending section 10, chapter 202, Laws of 1955 as amended by section 42, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.72.100; amending section 13, chapter 202, Laws of 1955 and RCW 18.72.130; amending section 15, chapter 202, Laws of 1955 as amended by section 4, chapter 61, Laws of 1975 and RCW 18.72.150; amending section 16, chapter 202, Laws of 1955 and RCW 18.72.160; amending section 17, chapter 202, Laws of 1955 and RCW 18.72.170; amending section 23, chapter 202, Laws of 1955 and RCW 18.72.230; amending section 24, chapter 202, Laws of 1955 and RCW 18.72.240; amending section 25, chapter 202, Laws of 1955 as amended by section 1, chapter 58, Laws of 1969 and RCW 18.72.250; amending section 3, chapter 61, Laws of 1975 and RCW 18.72.275; amending section 3, chapter 171, Laws of 1967 as last amended by section 1, chapter 39, Laws of 1975 1st ex. sess. and RCW 18.26.030; amending section 4, chapter 171, Laws of 1967 as amended by section 13, chapter 97, Laws of 1974 ex. sess. and RCW 18.26.040; amending section 21, chapter 171, Laws of 1967 and RCW 18.26.210; amending section 7, chapter 171, Laws of 1967 as last amended by section 33, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.26.070; adding new sections to chapter 18.72 RCW; repealing section 20, chapter 202, Laws of 1955 and RCW 18.72.200; repealing section 21, chapter 202, Laws of 1955 and RCW 18.72.210; repealing section 22, chapter 202, Laws of 1955 and RCW 18.72.220; repealing section 31, chapter 202, Laws of 1955 and RCW 18.72.310; and declaring an emergency.

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

Section 1. Section 3, chapter 202, Laws of 1955 as last amended by section 1, chapter 61, Laws of 1975 and RCW 18.72.030 are each amended to read as follows:

The term "unprofessional conduct" as used in this chapter and chapter 18.71 RCW ((18.71.120 and 18.71.140)) shall mean the following items or any one or combination thereof:

(1) The commission of any act involving moral turpitude, dishonesty, or corruption, whether the same be committed in the course of his or her relations as a physician, or otherwise, and whether the same constitutes a crime or not; and if the act constitutes a crime, conviction thereof in a criminal proceeding shall not be a condition precedent to disciplinary action. Upon

such conviction, however, the judgment and sentence shall be conclusive evidence at the ensuing disciplinary hearing of the guilt of the respondent physician of the crime described in the indictment or information, and of his or her violation of the statute upon which it is based;

(2) The procuring, or aiding or abetting in procuring a criminal abortion;

(3) Misrepresentation or concealment of a material fact in the obtaining of a license to practice medicine or in reinstatement thereof;

(4) All advertising of medical 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;

(5) The impersonation of another licensed practitioner;

(6) ~~((Habitual intemperance;~~

~~(7))~~ (7) The possession, use, prescription for use, or distribution of controlled substances or legend drugs in any way other than for therapeutic purposes;

~~((8))~~ (7) The offering, undertaking, or agreeing to cure or treat disease by a secret method, procedure, treatment, or medicine, or the treating, operating, or prescribing for any human condition by a method, means, or procedure which the licensee refuses to divulge upon demand of the board;

~~((9))~~ (8) Unprofessional conduct as defined in chapter 19.68 RCW;

~~((10))~~ (9) Aiding or abetting an unlicensed person to practice medicine;

~~((11))~~ (10) Suspension or revocation of the physician's license to practice medicine by competent authority in any state, federal, or foreign jurisdiction;

~~((12) Gross))~~ (11) Incompetency or negligence in the practice of medicine and surgery resulting in serious harm to the patient;

~~((13))~~ (12) Violation of any board rule or regulation fixing a standard of professional conduct;

~~((14))~~ (13) Wilful violation of RCW 18.72.175 or wilful disregard of the subpoena or notice of the Washington state medical disciplinary board;

~~((or~~
~~(15))~~ (14) Gross, wilful, ~~((and))~~ or continued overcharging for professional services; or

(15) Failure to abide by the terms of corrective actions directed pursuant to RCW 18.72.150(6).

Sec. 2. Section 6, chapter 202, Laws of 1955 and RCW 18.72.060 are each amended to read as follows:

Nominations to the board may be made by petition signed by not less than twenty-five license holders residing in the nominee's district, and shall be submitted to the board at least four weeks prior to the date of the election. ~~((Votes cast for license holders not so nominated shall be valid:))~~

Sec. 3. Section 10, chapter 202, Laws of 1955 as amended by section 42, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.72.100 are each amended to read as follows:

Members of the board shall be paid ~~((twenty=five))~~ fifty dollars for each day spent in performing their duties as members of the board and shall be repaid their travel expenses while engaged in business of the board in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. Such compensation and reimbursement for expenses shall be paid out of the general fund on vouchers approved by the director of ~~((licenses))~~ licensing.

Sec. 4. Section 13, chapter 202, Laws of 1955 and RCW 18.72.130 are each amended to read as follows:

The board shall elect from its members a ~~((chairman, vice=chairman))~~ chairperson, vice=chairperson, and secretary, who shall serve for one year and until their successors are elected and qualified. The board shall meet at least once a year or oftener upon the call of the ~~((chairman))~~ chairperson at such times and places as ~~((the=chairman))~~ he/she shall designate. Five members shall constitute a quorum ~~((to=transact))~~ of the full board for the transaction of any business. A majority of the members appointed to a panel shall constitute a quorum for a panel of the board to transact any business delegated to a panel by the board.

Sec. 5. Section 15, chapter 202, Laws of 1955 as amended by section 4, chapter 61, Laws of 1975 and RCW 18.72.150 are each amended to read as follows:

The board shall have the following powers and duties:

(1) To adopt, amend and rescind such rules and regulations as it deems necessary to carry out the provisions of this chapter;

(2) To investigate all complaints ~~((and charges))~~ or reports of unprofessional conduct against any holder of a license and to hold hearings to determine ~~((whether such charges are substantiated or unsubstantiated))~~ if unprofessional conduct has been committed;

(3) ~~((To employ necessary stenographic or clerical help;~~

~~((4)))~~ (4) To issue subpoenas and administer oaths in connection with any investigation, hearing, or disciplinary proceeding held under this chapter;

~~((5)))~~ (4) To take or cause depositions to be taken as needed in any investigation~~((;))~~ or investigative or disciplinary hearing~~((;))~~ or proceeding;

~~((6)))~~ (5) To investigate complaints ~~((and charges))~~ or reports of malpractice and unsafe conditions and practices, to analyze equipment, procedures, and training, in such cases, and to direct corrective action;

(6) To take emergency action ordering summary suspension of the license of a physician, or restricting or limiting the licensed physician's practice pending proceedings by the board, as authorized by RCW 34.04.170;

(7) To appoint a hearing officer to conduct hearings subject to final determination by the board;

(8) To enter into contracts for professional services determined by the board to be necessary;

(9) To contract with physicians or other persons or organizations to provide services necessary for the monitoring and supervising of physicians and surgeons who are placed on probation, or whose professional activities are restricted, or who are for any authorized purpose subject to being monitored by the board; and

(10) The board shall be subject to the provisions of chapter 34.04 RCW.

NEW SECTION. Sec. 6. There is added to chapter 18.72 RCW a new section to read as follows:

The director of the department of licensing shall appoint, from a list of three names supplied by the board, an executive secretary who shall act to carry out the provisions of this chapter. The director shall also employ such additional staff including administrative assistants, investigators, and clerical staff as are required to enable the board to accomplish its duties and responsibilities. The executive secretary shall be exempt from the provisions of the civil service law, chapter 41.06 RCW, as now or hereafter amended.

NEW SECTION. Sec. 7. There is added to chapter 18.72 RCW a new section to read as follows:

(1) The board shall report the issuance of statements of charges and final actions in cases processed by the board to:

(a) The person or agency who brought to the board's attention information which resulted in the initiation of the case;

(b) Appropriate organizations, public or private, which serve the medical profession; and

(c) The public.

(2) This section shall not be construed to require the reporting of any information which is exempt from public disclosure pursuant to chapter 42.17 RCW, as now or hereafter amended.

Sec. 8. Section 16, chapter 202, Laws of 1955 and RCW 18.72.160 are each amended to read as follows:

Any person, firm, corporation, or public officer may submit a written complaint to the ~~((secretary))~~ board charging the holder of a license to practice medicine and surgery with unprofessional conduct~~((;))~~ and specifying the grounds therefor. If the board determines that such complaint merits consideration, or if the board shall have reason to believe, without a formal complaint, that any holder of a license has ~~((been guilty of))~~ engaged in unprofessional conduct, the ~~((chairman shall designate three members to serve as a committee to hear and report upon such charges))~~ board shall investigate and determine whether there has been unprofessional conduct. If the board determines that there has been unprofessional conduct

by the holder of a license, the board shall determine the appropriate sanction to be imposed to protect the health and well-being of the people of this state and maintain the integrity of the medical profession.

NEW SECTION. Sec. 9. There is added to chapter 18.72 RCW a new section to read as follows:

The director of licensing, upon request of the board, is authorized to appoint members pro tem for the purpose of participating as members of one or more panels of the board in connection with proceedings specifically identified in the appointment. While serving as medical disciplinary members pro tem, persons so appointed shall have all the authority, duties, and immunities, and shall be entitled to the emoluments, including travel expenses in accordance with RCW 43.03.050 and 43.03.060, of regular members of the board.

The chairperson of a panel shall be a regular member of the board.

Panels shall have authority to act as directed by the board with respect to all matters concerning the review, investigation, and adjudication of all complaints, allegations, charges, and matters subject to the jurisdiction of the board. Final decisions of board panels shall be subject to appeal as hereinafter provided. The authority to act through panels shall not restrict the authority of the board to act as a single body at any phase of proceedings within the board's jurisdiction.

Board panels shall have authority to make interim orders and to issue final decisions with respect to matters and cases delegated to a panel by the board. Final decisions may be appealed as provided in chapter 34.04 RCW.

Sec. 10. Section 17, chapter 202, Laws of 1955 and RCW 18.72.170 are each amended to read as follows:

When ~~((a hearing committee is named, the secretary shall prepare a specification of the charge or charges of unprofessional conduct made against a license holder, a copy of which shall be served upon the accused, together with a notice of the hearing, as provided in RCW 18.72.180))~~ the board or a panel of the board determines to hear a charge of unprofessional conduct against a license holder, it shall cause a statement of the charge or charges to be prepared and served upon the license holder at the earliest practical time.

Sec. 11. Section 23, chapter 202, Laws of 1955 and RCW 18.72.230 are each amended to read as follows:

If a majority of the members of the board ~~((then sitting vote in favor of finding the accused guilty of))~~ or an authorized panel determines that a license holder has committed unprofessional conduct as specified in ~~((the))~~ a statement of charges, ~~((or any of them,))~~ the board or panel shall ~~((prepare written))~~ make findings of facts, conclusions of law, and an order and may thereafter prepare and file in the office of the director of ~~((licenses))~~ licensing a certificate or order ~~((of revocation or suspension))~~, in which case a

copy thereof shall be served upon the accused(~~(, or the board may reprimand the accused, as it deems most appropriate)~~). The order may provide for:

- (1) Revocation of license;
- (2) Suspension of license for a fixed or indefinite term;
- (3) Restriction or limitation upon the license holder's practice;
- (4) The establishment of a requirement that the license holder complete a specific program of continuing medical education;
- (5) Monitoring of the license holder's practice by a preceptor approved by the board;
- (6) Censure or reprimand;
- (7) Any combination of the foregoing, which may be partly or totally stayed; and
- (8) Compliance with conditions of probation for a designated period of time.

Sec. 12. Section 24, chapter 202, Laws of 1955 and RCW 18.72.240 are each amended to read as follows:

If the license holder is found not guilty, or if less than a majority of the members then sitting vote for a finding of guilty, the board shall forthwith order a dismissal of the charges and the exoneration of the accused. When a proceeding has been dismissed, either on the merits or otherwise, the board shall relieve the accused from any possible odium that may attach by reason of the charges made against him by such public exoneration as is necessary(~~(, if requested by the accused to do so)~~).

NEW SECTION. Sec. 13. There is added to chapter 18.72 RCW a new section to read as follows:

Any portion or all of the costs associated with a preceptor for the monitoring of the conditions of probation or the license holder's compliance with the terms of the board's decision and order may be assessed by the board against the license holder, in which event the payment of the said costs and expenses shall become a legal obligation of the license holder to the department of licensing, payment of which may be enforced in the superior or district courts.

Sec. 14. Section 25, chapter 202, Laws of 1955 as amended by section 1, chapter 58, Laws of 1969 and RCW 18.72.250 are each amended to read as follows:

The filing by the board in the office of the director of ~~((motor vehicles))~~ licensing of ((a certificate or order of revocation or suspension)) an order pursuant to proceedings authorized by this chapter, after due notice, hearing, and findings in accordance with ((the)) procedures 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 medicine and surgery 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)) and chapter 34.04 RCW, or an order of summary suspension entered as authorized by this chapter, shall take effect immediately upon its filing. Such ((certificate or)) order ((of revocation or suspension)), if appealed, ((may)) shall not be stayed ((by)) pending the appeal unless the board or ((by)) the ((reviewing)) court ((upon such terms as is deemed proper)) to which the appeal is taken enters an order staying the order of the board, which stay may provide for terms necessary to protect the public.~~

NEW SECTION. Sec. 15. There is added to chapter 18.72 RCW a new section to read as follows:

(1) The board may adopt regulations requiring any person, including, but not limited to, corporations, hospitals, organizations, and federal, state, or local governmental agencies, to report to the board any: Conviction, determination, or finding that a licensed physician has committed unprofessional conduct as defined by RCW 18.72.030 as now or hereafter amended, or to report information which indicates that a licensed physician may not be able to practice medicine with reasonable skill and safety to patients as the result of any mental or physical condition.

(2) The contents of any report file shall be confidential and exempt from public disclosure pursuant to chapter 42.17 RCW, except that it may be reviewed (a) by the licensee involved or his counsel or authorized representative who may submit any additional exculpatory or explanatory statements or other information, which statements or other information shall be included in the file, or (b) by a representative of the medical disciplinary board, or investigator thereof, who has been assigned to review the activities of a licensed physician.

(3) Upon a determination that a report is without merit, the board's records may be purged of information relating to the report.

(4) If any person contumaciously refuses to furnish a required report, the board may petition the superior court of any county in which said person resides or is found, and said court shall issue to such person an order to furnish the required report. Any failure to obey such order shall be punished by the court as a civil contempt may be punished.

(5) Every individual, medical association, medical society, hospital, medical service bureau, health insurance carrier or agent, professional liability insurance carrier, professional standards review organization, and agency of the federal, state, or local government shall be immune from civil liability, whether direct or derivative, for providing information to the board subsequent to the regulations outlined in [sub]section (1) of this section, or

for which an individual health care provider has immunity under the provisions of RCW 4.24.240, 4.24.250, or 4.24.260, as now or hereafter amended.

Sec. 16. Section 3, chapter 61, Laws of 1975 and RCW 18.72.275 are each amended to read as follows:

(1) In the event that a physician is determined by a court of competent jurisdiction to be mentally incompetent or mentally ill, such physician shall automatically have his or her license suspended by the board upon the entry of such judgment, regardless of the pendency of an appeal.

(2) If it appears to the ~~((disciplinary))~~ board that there is reasonable cause to believe that a physician who has not been judicially determined to be mentally incompetent or mentally ill is unable to practice medicine with reasonable skill and safety to patients by reason of illness, drunkenness, excessive use of drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition, a complaint in the name of the board shall be served upon such physician ~~((for a hearing))~~ and notice shall be given the physician that a hearing will be held on the sole issue of the capacity of the physician to adequately conduct his or her practice. If the board determines that the physician is unable to adequately conduct his or her practice for one of the reasons stated in this subsection, the board shall suspend or restrict the license of such physician, or impose such conditions on the conduct of the physician's practice as the board finds to be appropriate for the protection of the public.

(3) In enforcing this ~~((paragraph))~~ section, the board shall, upon probable cause, have authority to compel a physician to submit to a mental or physical examination by ~~((two))~~ one or more physicians and/or a psychological evaluation by one or more licensed psychologists designated by the board ~~((and at least one of whom may be designated by the charged party if he or she chooses)).~~ In addition to any examinations ordered by the board, the subject physician may submit psychiatric, physical, or psychological examination reports from physicians or psychologists of the physician's choosing and expense. Failure of a physician to submit to ~~((such))~~ examination when directed constitutes grounds for immediate suspension of such physician's license, unless the failure was due to circumstances beyond his or her control, consequent upon which a default and final order may be entered without the taking of testimony or presentation of evidence. A physician affected under this ~~((paragraph))~~ section shall at reasonable intervals be afforded an opportunity to demonstrate that he or she can resume the competent practice of medicine with reasonable skill and safety to patients.

(4) For the purpose of this ~~((subsection (2)))~~ section, every physician licensed under this chapter who shall accept the privilege to practice medicine in this state shall by so practicing or by the making and filing of annual registration to practice medicine in this state, be deemed to have given his or her consent to submit to a mental or physical examination when directed

in writing by the board and further to have waived all objections to the admissibility of the examining physicians' testimony or examination reports on the ground that the same constitute ((a)) privileged communications.

(5) In any proceeding under this ((subsection (2))) section, neither the record of proceedings nor the orders entered by the board shall be used against a physician in any other proceeding.

Sec. 17. Section 3, chapter 171, Laws of 1967 as last amended by section 1, chapter 39, Laws of 1975 1st ex. sess. 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) ~~((A))~~ A violation of any rule or regulation pertaining to advertising of chiropractic practice or business~~((=other than professional cards, telephone listings, window and street signs, announcements of office openings or change in locations, as regulated by the board. PROVIDED, That nothing in this section shall prohibit public relations material which is distributed in a licensee's office or directly to a bona fide patient of a licensee. PROVIDED FURTHER, That any such public relations material does not have a tendency to deceive the public or impose upon credulous or ignorant persons and so be harmful or injurious to public morals or safety))~~ promulgated by the board;
- (4) The impersonation of another licensed practitioner;
- (5) Habitual intemperance;
- (6) The wilful betrayal of a professional secret;
- (7) 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) Unprofessional conduct as defined in chapter 19.68 RCW;
- (13) Violation of any ethical standard as established by the board;
- (14) Suspension or revocation of license to practice chiropractic by competent authority in any state or foreign jurisdiction;
- (15) Incompetency to practice chiropractic by reason of illness, drunkenness, excessive use of controlled substances, chemicals, or any other type of material or as a result of any mental or physical condition.

Proceedings involving alleged unprofessional conduct shall be conducted by the attorney general upon the direction of the board.

Sec. 18. Section 4, chapter 171, Laws of 1967 as amended by section 13, chapter 97, Laws of 1974 ex. sess. and RCW 18.26.040 are each amended to read as follows:

There is hereby created the Washington state chiropractic disciplinary board of seven members to be composed of ~~((three))~~ six chiropractic 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))~~ appointed by the governor, and one member appointed by the governor who shall be representative of the public at large. Initial members shall be named within thirty days after the effective date of this ~~((chapter))~~ 1979 act, whose names and addresses shall be promptly sent to the director of ~~((motor vehicles))~~ licensing, and such board shall meet and organize at a time and place to be determined by the director of ~~((the department of motor vehicles))~~ licensing within sixty days after the effective date of this ~~((chapter))~~ 1979 act and after written notice to the named members of such date and place.

The director of ~~((the department of motor vehicles or his))~~ licensing or the 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))~~ on the effective date of this 1979 act, three members shall be designated for three-year terms; two members shall be designated for four-year terms; and two members shall be designated for ((a three-year)) five-year terms.

~~((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)) five years((, except the director or his designee from the department of motor vehicles)).

Sec. 19. Section 21, chapter 171, Laws of 1967 and RCW 18.26.210 are each amended to read as follows:

The filing by the board in the office of the director of ~~((motor vehicles))~~ licensing 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: **PROVIDED**, That if the licensee seeks judicial review of the board's decision pursuant to the provisions of

this chapter, such revocation or the period of such suspension shall not be stayed (~~and shall not be effective or commence to run until final judgment has been entered in any proceeding instituted under the provisions of this chapter and the licensee's judicial remedies are exhausted hereunder~~) unless the court to which the appeal is taken enters an order staying the order of the board.

Sec. 20. Section 7, chapter 171, Laws of 1967 as last amended by section 33, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.26.070 are each amended to read as follows:

Members of the board may be paid thirty-five dollars for each day spent in performing their duties as members of the board and may be paid their travel expenses while engaged in the business of the board in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended, with such reimbursement to be paid out of the general fund on vouchers (~~approved by the budget director and~~) signed by the director of (~~motor vehicles~~) licensing.

NEW SECTION. Sec. 21. If any provision of this 1979 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. 22. The following acts or parts of acts are each repealed:

- (1) Section 20, chapter 202, Laws of 1955 and RCW 18.72.200;
- (2) Section 21, chapter 202, Laws of 1955 and RCW 18.72.210;
- (3) Section 22, chapter 202, Laws of 1955 and RCW 18.72.220; and
- (4) Section 31, chapter 202, Laws of 1955 and RCW 18.72.310.

NEW SECTION. Sec. 23. This 1979 act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate March 21, 1979.

Passed the House April 23, 1979.

Approved by the Governor May 2, 1979.

Filed in Office of Secretary of State May 2, 1979.

CHAPTER 112

[Substitute House Bill No. 156]

FISCAL NOTES—LEGISLATION—LOCAL GOVERNMENT IMPACT

AN ACT Relating to the fiscal impact of legislation; amending section 3, chapter 25, Laws of 1977 ex. sess. and RCW 43.88A.030; and adding a new section to chapter 43.132 RCW.

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

Section 1. Section 3, chapter 25, Laws of 1977 ex. sess. and RCW 43-.88A.030 are each amended to read as follows:

When a fiscal note is prepared and approved as to form, accuracy, and completeness by the office of (~~(program planning and fiscal))~~ financial management, which depicts the expected fiscal impact of a bill or resolution, copies shall be filed immediately with:

- (1) The chairperson of the committee to which the bill or resolution was referred upon introduction in the house of origin;
- (2) The senate committee on ways and means, or its successor;
- (3) The house committees on revenue and appropriations, or their successors; and
- (4) The legislative budget committee.

Whenever possible, such fiscal note shall be provided prior to or at the time the bill or resolution is first heard by the committee of reference in the house of origin.

When a fiscal note has been prepared for a bill or resolution, a copy of the fiscal note shall be placed in the bill books or otherwise attached to the bill or resolution and shall remain with the bill or resolution throughout the legislative process insofar as possible.

NEW SECTION. Sec. 2. There is added to chapter 43.132 RCW a new section to read as follows:

When the fiscal note indicates that a bill or resolution would require expenditures of funds by a county, city, town, or other unit of local government, the legislature shall determine the state's fiscal responsibility and shall make every effort to appropriate the funds or provide the revenue generating authority necessary to implement the legislation during the ensuing biennium.

Passed the House April 19, 1979.

Passed the Senate April 11, 1979.

Approved by the Governor May 2, 1979.

Filed in Office of Secretary of State May 2, 1979.

CHAPTER 113

[House Bill No. 164]

MOTOR VEHICLES—REGISTRATION—LENGTH—SPECIAL MOVEMENT PERMIT FEES—MOTOR REMOVAL

AN ACT Relating to motor vehicles; amending section 46.12.080, chapter 12, Laws of 1961 and RCW 46.12.080; amending section 46.12.170, chapter 12, Laws of 1961 as last amended by section 13, chapter 25, Laws of 1975 and RCW 46.12.170; amending section 46.16.260, chapter 12, Laws of 1961 as last amended by section 11, chapter 170, Laws of 1969 ex. sess. and RCW 46.16.260; amending section 46.44.030, chapter 12, Laws of 1961 as last amended by section 1, chapter 64, Laws of 1977 ex. sess. and RCW 46.44-.030; amending section 2, chapter 137, Laws of 1965 as last amended by section 16, chapter 64, Laws of 1975-'76 2nd ex. sess. and RCW 46.44.0941; and repealing section 46.12.090, chapter 12, Laws of 1961 and RCW 46.12.090.

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

Section 1. Section 46.12.080, chapter 12, Laws of 1961 and RCW 46.12.080 are each amended to read as follows:

Any person holding the certificate of license registration for a motorcycle or any vehicle registered by its motor number in which there has been installed a new or different motor than that with which it was issued certificates of ownership and license registration shall forthwith and within five days after such installation forward and surrender such certificates to the ~~((director))~~ department, together with an application for issue of corrected certificates of ownership and license registration and a fee of one dollar, and a statement of the disposition ~~((which was made))~~ of the former motor. The possession by any person of any such certificates for ~~((a))~~ such vehicle in which a new or different motor has been installed, after five days following such installation, shall be prima facie evidence of a violation of the provisions of this chapter and shall constitute a misdemeanor.

Sec. 2. Section 46.12.170, chapter 12, Laws of 1961 as last amended by section 13, chapter 25, Laws of 1975 and RCW 46.12.170 are each amended to read as follows:

If, after a certificate of ownership is issued, a security ~~((agreement))~~ interest is ~~((placed))~~ granted on the vehicle described therein, the registered owner or secured party shall, within ten days thereafter, present an application to the department, ~~((signed by the registered owner and the secured party;))~~ to which shall be attached ~~((the certificate of license registration and))~~ the certificate of ownership last issued covering the vehicle, or such other documentation as may be required by the department, which application shall be upon a form provided by the department and shall be accompanied by a fee of one dollar. The department, if satisfied that there should be a reissue of the certificate~~((s))~~, shall note such change upon the vehicle records and issue ~~((to the registered owner a new certificate of license registration and))~~ to the secured party a new certificate of ownership.

Whenever there is no outstanding secured obligation and no commitment to make advances and incur obligations or otherwise give value, the secured party must assign the certificate of ownership to the debtor or the debtor's assignee and transmit the certificate to the department with an accompanying fee of one dollar. The department shall then issue a new certificate of ownership and transmit it to the owner. If the affected secured party fails to either assign or transmit the certificate of ownership to the ~~((debtor))~~ department within ten days after proper demand, that secured party shall be liable to the debtor for one hundred dollars, and in addition for any loss caused to the debtor by such failure.

Sec. 3. Section 46.16.260, chapter 12, Laws of 1961 as last amended by section 11, chapter 170, Laws of 1969 ex. sess. and RCW 46.16.260 are each amended to read as follows:

A certificate of license registration to be valid must have endorsed thereon the signature of the registered owner (if a firm or corporation, the signature of one of its officers or other duly authorized agent) and must be carried in the vehicle for which it is issued, at all times in the manner prescribed by the director. It shall be unlawful for any person to operate or have in his possession a vehicle without carrying thereon such certificate of license registration and/or maximum gross weight license as herein provided. Any person in charge of such vehicle shall, upon demand of any of the local authorities or of any police officer or of any representative of the department, permit an inspection of such certificate of license registration and/or maximum gross weight license. This section does not apply to a vehicle for which annual renewal of its license number plates is not required and which is marked in accordance with the provisions of RCW 46.08.065.

Sec. 4. Section 46.44.030, chapter 12, Laws of 1961 as last amended by section 1, chapter 64, Laws of 1977 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))~~ forty feet: PROVIDED, That an auto stage or school bus shall not exceed an overall length, inclusive of front and rear bumpers, of forty feet: PROVIDED FURTHER, That any such school bus constructed prior to April 1, 1977, shall be equipped with three axles: PROVIDED FURTHER, That any school bus constructed on or after April 1, 1977, and in excess of thirty-six feet six inches shall be equipped with three axles: PROVIDED FURTHER, That the route of any auto stage in excess of thirty-five feet or school bus in excess of thirty-six feet six inches upon or across the public highways shall be limited as determined by the ~~((state highway commission))~~ department of transportation for state highways, or by the local legislative authority for other public roads.

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 semi-trailer 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. 5. Section 2, chapter 137, Laws of 1965 as last amended by section 16, chapter 64, Laws of 1975-'76 2nd ex. sess. and RCW 46.44.0941 are each amended to read as follows:

The following fees, in addition to the regular license and tonnage fees, shall be paid for all movements under special permit made upon state highways. All funds collected shall be forwarded to the state treasury and shall be deposited in the motor vehicle fund:

All overlegal loads, except overweight, single trip	\$ 5.00
Continuous operation of overlegal loads having either overwidth or overheight features only for a period not to exceed thirty days	\$ 20.00
Continuous operations of overlegal loads having overlength only for a period not to exceed thirty days	\$ 10.00
Continuous operation of a combination of vehicles not to exceed seventy-five feet overall length which may contain a permanent structure vehicle not in excess of forty-seven feet for a period of one year	\$ 60.00
Continuous operation of a three-axle fixed load vehicle having less than 65,000 pounds gross weight for a period not to exceed thirty days	\$ 50.00
Continuous operation of overlegal loads having nonreducible features not to exceed eighty-five feet in length and fourteen feet in width for a period of one year	\$150.00

Continuous operation of vehicles having width not to exceed eight feet six inches, subject to such rules governing their operation as may be adopted by the department of transportation, for a period of one year \$150.00

Continuous operation of farm implements under a permit issued as authorized by RCW 46.44.140 by:

- (1) Farmers in the course of farming activities for any three-month period \$ 10.00
- (2) Farmers in the course of farming activities for a period not to exceed one year. \$ 25.00
- (3) Persons engaged in the business of the sale, repair, or maintenance of such farm implements for any three-month period \$ 25.00
- (4) Persons engaged in the business of the sale, repair, or maintenance of such farm implements for a period not to exceed one year \$100.00

Overweight Fee Schedule

Weight over total registered gross weight plus additional gross weight purchased under provisions of RCW 46.44.095 or 46.44.047 as now or hereafter amended, or any other statute authorizing state highway commission to issue annual overweight permits.	Fee per mile on state highways
1- 5,999 pounds	\$.05
6,000-11,999 pounds	\$.10
12,000-17,999 pounds	\$.15
18,000-23,999 pounds	\$.25
24,000-29,999 pounds	\$.35
30,000-35,999 pounds	\$.45
36,000-41,999 pounds	\$.60
42,000-47,999 pounds	\$.75
48,000-53,999 pounds	\$.90
54,000-59,999 pounds	\$ 1.05
60,000-65,999 pounds	\$ 1.20
66,000-71,999 pounds	\$ 1.45
72,000-77,999 pounds	\$ 1.70
80,000 pounds or more.	\$ 2.00

PROVIDED: (1) the minimum fee for any overweight permit shall be \$5.00, (2) the fee for issuance of a duplicate permit shall be \$5.00, (3) when computing overweight fees which result in an amount less than even dollars the fee shall be carried to the next full dollar if fifty cents or over and shall be reduced to the next full dollar if forty-nine cents or under.

NEW SECTION. Sec. 6. Section 46.12.090, chapter 12, Laws of 1961 and RCW 46.12.090 are each hereby repealed.

Passed the House April 23, 1979.

Passed the Senate April 6, 1979.

Approved by the Governor May 2, 1979.

Filed in Office of Secretary of State May 2, 1979.

CHAPTER 114

[Substitute House Bill No. 219]

BASIC SCIENCE LAW

AN ACT Relating to basic sciences; repealing section 3, chapter 227, Laws of 1971 ex. sess. and RCW 18.57.085; repealing section 4, chapter 227, Laws of 1971 ex. sess. and RCW 18.71.075; repealing section 43.74.005, chapter 8, Laws of 1965 and RCW 43.74.005; repealing section 43.74.010, chapter 8, Laws of 1965, section 22, chapter 77, Laws of 1973 and RCW 43.74.010; repealing section 43.74.015, chapter 8, Laws of 1965, section 6, chapter 188, Laws of 1967, section 123, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.74.015; repealing section 43.74.020, chapter 8, Laws of 1965 and RCW 43.74.020; repealing section 43.74.025, chapter 8, Laws of 1965 and RCW 43.74.025; repealing section 43.74.035, chapter 8, Laws of 1965 and RCW 43.74.035; repealing section 2, chapter 227, Laws of 1971 ex. sess., section 23, chapter 77, Laws of 1973 and RCW 43.74.037; repealing section 43.74.040, chapter 8, Laws of 1965, section 24, chapter 77, Laws of 1973 and RCW 43.74.040; repealing section 43.74.050, chapter 8, Laws of 1965 and RCW 43.74.050; repealing section 43.74.060, chapter 8, Laws of 1965 and RCW 43.74.060; repealing section 43.74.065, chapter 8, Laws of 1965 and RCW 43.74.065; repealing section 43.74.075, chapter 8, Laws of 1965 and RCW 43.74.075; repealing section 43.74.080, chapter 8, Laws of 1965, section 25, chapter 77, Laws of 1973 and RCW 43.74.080; repealing section 1, chapter 227, Laws of 1971 ex. sess., section 26, chapter 77, Laws of 1973 and RCW 43.74.085; repealing section 43.74.090, chapter 8, Laws of 1965 and RCW 43.74.090; and repealing section 43.74.900, chapter 8, Laws of 1965 and RCW 43.74.900.

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

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

- (1) Section 3, chapter 227, Laws of 1971 ex. sess. and RCW 18.57.085;
- (2) Section 4, chapter 227, Laws of 1971 ex. sess. and RCW 18.71.075;
- (3) Section 43.74.005, chapter 8, Laws of 1965 and RCW 43.74.005;
- (4) Section 43.74.010, chapter 8, Laws of 1965, section 22, chapter 77, Laws of 1973 and RCW 43.74.010;
- (5) Section 43.74.015, chapter 8, Laws of 1965, section 6, chapter 188, Laws of 1967, section 123, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.74.015;
- (6) Section 43.74.020, chapter 8, Laws of 1965 and RCW 43.74.020;

- (7) Section 43.74.025, chapter 8, Laws of 1965 and RCW 43.74.025;
 (8) Section 43.74.035, chapter 8, Laws of 1965 and RCW 43.74.035;
 (9) Section 2, chapter 227, Laws of 1971 ex. sess., section 23, chapter 77, Laws of 1973 and RCW 43.74.037;
 (10) Section 43.74.040, chapter 8, Laws of 1965, section 24, chapter 77, Laws of 1973 and RCW 43.74.040;
 (11) Section 43.74.050, chapter 8, Laws of 1965 and RCW 43.74.050;
 (12) Section 43.74.060, chapter 8, Laws of 1965 and RCW 43.74.060;
 (13) Section 43.74.065, chapter 8, Laws of 1965 and RCW 43.74.065;
 (14) Section 43.74.075, chapter 8, Laws of 1965 and RCW 43.74.075;
 (15) Section 43.74.080, chapter 8, Laws of 1965, section 25, chapter 77, Laws of 1973 and RCW 43.74.080;
 (16) Section 1, chapter 227, Laws of 1971 ex. sess., section 26, chapter 77, Laws of 1973 and RCW 43.74.085;
 (17) Section 43.74.090, chapter 8, Laws of 1965 and RCW 43.74.090;
 and
 (18) Section 43.74.900, chapter 8, Laws of 1965 and RCW 43.74.900.

Passed the House April 23, 1979.

Passed the Senate April 6, 1979.

Approved by the Governor May 2, 1979.

Filed in Office of Secretary of State May 2, 1979.

CHAPTER 115

[Substitute House Bill No. 247]

COMMISSION MERCHANTS, DEALERS—RESPONSIBILITIES—LICENSE FEES

AN ACT Relating to agricultural products; amending section 1, chapter 139, Laws of 1959 as last amended by section 1, chapter 304, Laws of 1977 ex. sess. and RCW 20.01.010; amending section 3, chapter 139, Laws of 1959 as last amended by section 2, chapter 304, Laws of 1977 ex. sess. and RCW 20.01.030; amending section 4, chapter 139, Laws of 1959 as last amended by section 3, chapter 102, Laws of 1974 ex. sess. and RCW 20.01.040; amending section 6, chapter 139, Laws of 1959 as last amended by section 3, chapter 304, Laws of 1977 ex. sess. and RCW 20.01.060; amending section 37, chapter 139, Laws of 1959 as last amended by section 9, chapter 304, Laws of 1977 ex. sess. and RCW 20.01.370; and repealing section 10, chapter 102, Laws of 1974 ex. sess., section 12, chapter 304, Laws of 1977 ex. sess. and RCW 20.01.445.

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

Section 1. Section 1, chapter 139, Laws of 1959 as last amended by section 1, chapter 304, Laws of 1977 ex. sess. and RCW 20.01.010 are each amended to read as follows:

As used in this title the terms defined in this section have the meanings indicated unless the context clearly requires otherwise.

(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 unprocessed horticultural, vermicultural and its byproducts, viticultural, berry, poultry, poultry product, grain ((including)), bee, or other agricultural products, and includes 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 donkeys: PROVIDED, That horses, mules, and donkeys purchased or sold for slaughter shall be considered agricultural products for the purposes of this chapter.

(4) "Producer" means any person engaged in the business of growing or producing any agricultural product, whether as the owner of such products, or producing such products for others holding the title thereof.

(5) "Consignor" means any producer, 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 and includes any person, other than one who acts solely as a producer, who retains title in an agricultural product and delivers it to a producer for further production or increase: PROVIDED, That for the purpose of this chapter the term dealer includes any person who purchases livestock on behalf of and for the account of another.

(8) "Limited dealer" means any person operating under the alternative bonding provision in RCW 20.01.211, as now or hereafter amended.

(9) "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))~~ (10) "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))~~ (11) "Agent" means any person who, on behalf of any commission merchant, dealer, broker, or cash buyer, acts as liaison between a consignor and a principal, or 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))~~ (12) "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))~~ (13) "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 not for the purpose of 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))~~ (14) "Processor" means any person, firm, company or other organization that purchases agricultural crops from a consignor and who cans, freezes, dries, dehydrates, cooks, presses, powders, or otherwise processes such crops in any manner whatsoever for eventual resale.

~~((14))~~ (15) "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 judgment in regard to the sale of the pooled horticultural product.

(d) The charges to be paid by the consignor 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, not less than eighty percent of his interest less expenses directly incurred, prior liens, and other advances on the ~~((growers))~~ grower's crop unless otherwise mutually agreed upon between grower and commission merchant.

~~((15))~~ (16) "Date of sale" means the date agricultural products are delivered to the person buying such products.

Sec. 2. Section 3, chapter 139, Laws of 1959 as last amended by section 2, chapter 304, Laws of 1977 ex. sess. and RCW 20.01.030 are each amended to read as follows:

This chapter does not apply to:

(1) Any cooperative marketing associations or federations incorporated under, or whose articles of incorporation and bylaws are equivalent to, the requirements of chapter 23.86 RCW or chapter 24.32 RCW, except as to that portion of the activities of such association or federation as involves the handling or dealing in the agricultural products of nonmembers of such organization: PROVIDED, That such associations or federations may purchase up to fifteen percent of their gross from nonmembers for the purpose of filling orders: PROVIDED FURTHER, That if such cooperative or association acts as a processor as defined in RCW 20.01.500(2) and markets such processed agricultural crops on behalf of the grower or its own behalf, said association or federation shall be subject to the provisions of RCW 20.01.500 through 20.01.560 and the license provision of this chapter excluding bonding provisions: PROVIDED FURTHER, That none of the foregoing exemptions in this subsection shall apply to any such cooperative

or federation dealing in or handling grain in any manner, and not licensed under the provisions of chapter 22.09 RCW.

(2) Any person who sells exclusively his own agricultural products as the producer thereof.

(3) Any public livestock market operating under a bond required by law or a bond required by the United States to secure the performance of such public livestock market's obligation: PROVIDED, That any such market operating as a livestock dealer and/or order buyer shall be subject to all provisions of this chapter except for the payment of the license fee required in RCW 20.01.040 as now or hereafter amended.

(4) Any retail merchant having bona fide fixed or permanent place of business in this state.

(5) Any person buying farm products for his own use or consumption.

(6) Any warehouseman or grain dealer licensed under the state grain warehouse act.

(7) Any nurseryman who is required to be licensed under the horticultural laws of the state with respect to his operations as such licensee.

(8) Any person licensed under the now existing dairy laws of the state with respect to his operations as such licensee.

(9) Any producer who purchases less than fifteen percent of his volume to ~~((fif))~~ complete orders.

Sec. 3. Section 4, chapter 139, Laws of 1959 as last amended by section 3, chapter 102, Laws of 1974 ex. sess. and RCW 20.01.040 are each amended to read as follows:

On or after ~~((the effective date of this chapter))~~ June 10, 1959, 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, ~~((eighty))~~ one hundred forty-five dollars;

(2) Dealer, ~~((eighty))~~ one hundred forty-five dollars;

(3) Limited dealer, one hundred dollars;

(4) Broker, ((eighty)) one hundred dollars;

~~((4))~~ (5) Cash buyer, ((thirty)) forty dollars; and

~~((5))~~ (6) Agent, ((ten)) fifteen dollars.

Sec. 4. Section 6, chapter 139, Laws of 1959 as last amended by section 3, chapter 304, Laws of 1977 ex. sess. and RCW 20.01.060 are each amended to read as follows:

Any person licensed as a commission merchant, dealer, or broker, in the manner ~~((herein))~~ prescribed in this chapter, may apply for and secure a license in any or all of the remaining such classifications upon payment of an additional fee of twenty-five dollars for each such additional classification:

PROVIDED, That the applicant's principal license shall be in that classification requiring the greatest license fee. Such applicant shall further comply with those parts of this chapter regulating the licensing of the other particular classifications involved.

Sec. 5. Section 37, chapter 139, Laws of 1959 as last amended by section 9, chapter 304, Laws of 1977 ex. sess. and RCW 20.01.370 are each amended to read as follows:

Every commission merchant(~~(, before)~~) taking control of any agricultural products for sale as such commission merchant, (~~shall utilize the standard contract format provided for in RCW 20.01.445 as now or hereafter amended. The commission merchant~~) shall promptly make and keep for a period of one year, beginning on the day the sale of the product is complete, 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. (~~(Such charges shall be accounted for as a per unit charge based upon the same unit of measure for which the selling price of such product was charged.)~~)
- (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.
- (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.
- (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.

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.

The commission merchant shall transmit a copy of the record required by this section to the consignor on the same day the final remittance is made to the consignor as required by RCW 20.01.430 as now or hereafter amended.

NEW SECTION. Sec. 6. Section 10, chapter 102, Laws of 1974 ex. sess., section 12, chapter 304, Laws of 1977 ex. sess. and RCW 20.01.445 are each repealed.

Such repeals shall not be construed as affecting any existing right acquired under the statutes repealed, nor as affecting any proceeding instituted thereunder, nor any rule, regulation, or order promulgated thereunder, nor any administrative action taken thereunder.

NEW SECTION. Sec. 7. If any provision of this 1979 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, 1979.

Passed the Senate April 17, 1979.

Approved by the Governor May 2, 1979.

Filed in Office of Secretary of State May 2, 1979.

CHAPTER 116

[Substitute House Bill No. 280]

REGISTRATION OF CONTRACTORS—PENALTIES

AN ACT Relating to registration of contractors; amending section 10, chapter 77, Laws of 1963 and RCW 18.27.100; prescribing an effective date; and prescribing penalties.

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

Section 1. Section 10, chapter 77, Laws of 1963 and RCW 18.27.100 are each amended to read as follows:

Except as provided in RCW 18.27.020 for partnerships and joint ventures, no person who has registered under one name as provided in this chapter shall engage in the business, or act in the capacity of a contractor under any other name unless such name also is registered hereunder. All advertising and all contracts, correspondence, cards, signs, posters, papers and documents prepared by a contractor which show a contractor's name or address shall show the contractor's name ((or)), address, and current registration number as registered hereunder. No contractor shall advertise that he is bonded and insured because of the bond required to be filed and sufficiency of insurance as provided in this chapter. All individual contractors and all partners, associates, agents, salesmen, solicitors, officers and employees of contractors shall use their true names and addresses at all times

while engaged in the business or capacity of a contractor or activities related thereto. Any person who is found to be in violation of this section by the director at a hearing held in accordance with the administrative procedure act, chapter 34.04 RCW, shall be required to pay a penalty of not more than one thousand dollars as determined by the director.

NEW SECTION. Sec. 2. The provisions of this 1979 amendatory act shall become effective on January 1, 1980.

Passed the House April 19, 1979.

Passed the Senate April 11, 1979.

Approved by the Governor May 2, 1979.

Filed in Office of Secretary of State May 2, 1979.

CHAPTER 117

[House Bill No. 308]

UNCLAIMED PROPERTY—PRESUMPTION OF ABANDONMENT

AN ACT Relating to unclaimed property; and adding a new section to chapter 385, Laws of 1955 and to chapter 63.28 RCW.

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

NEW SECTION. Section 1. There is added to chapter 385, Laws of 1955 and to chapter 63.28 RCW a new section to read as follows:

(1) The expiration of any period of time specified by statute or court order, during which an action or proceeding may be commenced or enforced to obtain payment of a claim for money or recovery of property, shall not prevent the money or property from being presumed abandoned property, nor affect any duty to file a report required by this chapter or to pay or deliver abandoned property to the department of revenue.

(2) This section applies to all abandoned property subject to this chapter which has not been paid or delivered to the department of revenue on or after the effective date of this act.

Passed the House March 28, 1979.

Passed the Senate April 23, 1979.

Approved by the Governor May 2, 1979.

Filed in Office of Secretary of State May 2, 1979.

CHAPTER 118

[Substitute House Bill No. 502]

IMMUNIZATION OF CHILDREN—APPROPRIATION

AN ACT Relating to the immunization of children; creating new sections; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.31 RCW; providing an effective date; making appropriations; and declaring an emergency.

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

NEW SECTION. Section 1. In enacting sections 1 through 12 of this act, it is the judgment of the legislature that it is necessary to protect the health of the public and individuals by providing a means for the eventual achievement of full immunization of school-age children against certain vaccine-preventable diseases.

NEW SECTION. Sec. 2. As used in sections 1 through 12 of this act:

(1) "Chief administrator" shall mean the person with the authority and responsibility for the immediate supervision of the operation of a school or day care center as defined in this section or, in the alternative, such other person as may hereafter be designated in writing for the purposes of sections 1 through 12 of this act by the statutory or corporate board of directors of the school district, school, or day care center or, if none, such other persons or person with the authority and responsibility for the general supervision of the operation of the school district, school or day care center.

(2) "Full immunization" shall mean immunization against certain vaccine-preventable diseases in accordance with schedules and with immunizing agents approved by the state board of health.

(3) "Local health department" shall mean the city, town, county, district or combined city-county health department, board of health, or health officer which provides public health services.

(4) "School" shall mean and include each building, facility, and location at or within which any or all portions of a preschool, kindergarten and grades one through twelve program of education and related activities are conducted for two or more children by or in behalf of any public school district and by or in behalf of any private school or private institution subject to approval by the state board of education pursuant to RCW 28A.04.120(4) and 28A.02.201 through 28A.02.260, each as now or hereafter amended.

(5) "Day care center" shall mean an agency which regularly provides care for a group of thirteen or more children for periods of less than twenty-four hours and is licensed pursuant to chapter 74.15 RCW.

NEW SECTION. Sec. 3. The attendance of every child at every public and private school in the state and licensed day care center shall be conditioned upon the presentation within forty-five days of each child's first day of attendance at a particular school or center, of proof of either (1) full immunization, (2) the initiation of and compliance with a schedule of immunization, as required by rules of the state board of health, or (3) a certificate of exemption as provided for in section 4 of this act. The attendance at the school or the day care center during any subsequent school year of a child who has initiated a schedule of immunization shall be conditioned upon the presentation of proof of compliance with the schedule on the child's first day

of attendance during the subsequent school year. Once proof of full immunization or proof of completion of an approved schedule has been presented, no further proof shall be required as a condition to attendance at the particular school or center.

NEW SECTION. Sec. 4. Any child shall be exempt in whole or in part from the immunization measures required by sections 1 through 12 of this act upon the presentation of any one or more of the following, on a form prescribed by the department of social and health services:

(1) A written certification signed by any physician licensed to practice medicine pursuant to chapter 18.71 or 18.57 RCW that a particular vaccine required by rule of the state board of health is, in his or her judgment, not advisable for the child: PROVIDED, That when it is determined that this particular vaccine is no longer contraindicated, the child will be required to have the vaccine;

(2) A written certification signed by any parent or legal guardian of the child or any adult in loco parentis to the child that the religious beliefs of the signator are contrary to the required immunization measures; and

(3) A written certification signed by any parent or legal guardian of the child or any adult in loco parentis to the child that the signator has either a philosophical or personal objection to the immunization of the child.

NEW SECTION. Sec. 5. The requirements of sections 1 through 12 of this act shall not apply to any person eighteen years of age or older, nor shall they apply to any female person twelve years of age or older with respect to immunization for rubella.

NEW SECTION. Sec. 6. The immunizations required by sections 1 through 12 of this act may be obtained from any private or public source desired: PROVIDED, That the immunization is administered and records are made in accordance with the regulations of the state board of health. Any person or organization administering immunizations shall furnish each person immunized, or his or her parent or legal guardian, or any adult in loco parentis to the child, with a written record of immunization given in a form prescribed by the state board of health.

NEW SECTION. Sec. 7. A child's proof of immunization or certification of exemption shall be presented to the chief administrator of the public or private school or day care center or to his or her designee for that purpose. The chief administrator shall:

(1) Retain such records pertaining to each child at the school or day care center for at least the period the child is enrolled in the school or attends such center;

(2) Retain a record at the school or day care center of the name, address, and date of exclusion of each child excluded from school or the center pursuant to section 8 of this act for not less than three years following the date of a child's exclusion;

(3) File a written annual report with the department of social and health services on the immunization status of students or children attending the day care center at a time and on forms prescribed by the department of social and health services; and

(4) Allow agents of state and local health departments access to the records retained in accordance with this section during business hours for the purposes of inspection and copying.

NEW SECTION. Sec. 8. Upon notification by the local health department, it shall be the duty of the chief administrator of every public and private school and day care center to prohibit the further presence at the school or day care center for any and all purposes of each child for whom proof of immunization, certification of exemption, or proof of compliance with an approved schedule of immunization has not been provided in accordance with section 3 of this act and to continue to prohibit the child's presence until such proof of immunization, certification of exemption, or approved schedule has been provided. The exclusion of a child from a school shall be accomplished in accordance with rules of the state board of education. The exclusion of a child from a day care center shall be accomplished in accordance with rules of the department of social and health services. Prior to the exclusion of a child from a school or day care center each local health department shall provide written notice to the parent(s) or legal guardian(s) of each child or to the adult(s) in loco parentis to each child, who is not in compliance with the requirements of section 3 of this act. The notice shall fully inform such person(s) of the following: (1) The requirements established by and pursuant to sections 1 through 12 of this act; (2) the fact that the child will be prohibited from further attendance at the school unless section 3 of this act is complied with; (3) such procedural due process rights as are hereafter established pursuant to sections 10 and/or 11 of this act, as appropriate; and (4) the immunization services that are available from or through the local health department and other public agencies.

NEW SECTION. Sec. 9. The state board of health shall adopt and is hereby empowered to adopt rules pursuant to chapter 34.04 RCW which establish the procedural and substantive requirements for full immunization and the form and substance of the proof thereof, to be required pursuant to sections 1 through 12 of this act.

NEW SECTION. Sec. 10. The state board of education shall and is hereby empowered to adopt rules pursuant to chapter 34.04 RCW which establish the procedural and substantive due process requirements governing the exclusion of children from public and private schools pursuant to section 8 of this act.

NEW SECTION. Sec. 11. The department of social and health services shall and is hereby empowered to adopt rules pursuant to chapter 34.04

RCW which establish the procedural and substantive due process requirements governing the exclusion of children from day care centers pursuant to section 8 of this act.

NEW SECTION. Sec. 12. Sections 1 through 12 of this act shall not apply to children in grades seven through twelve before September 1, 1980.

NEW SECTION. Sec. 13. 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 September 1, 1979.

NEW SECTION. Sec. 14. There is hereby appropriated from the state general fund to the superintendent of public instruction for the biennium ending June 30, 1981, the sum of one hundred thousand dollars, or so much as necessary, to carry out the purposes of this act.

NEW SECTION. Sec. 15. There is hereby appropriated from the state general fund to the department of social and health services for the biennium ending June 30, 1981, the sum of two hundred forty thousand dollars, or so much as necessary, to carry out the purposes of this act.

NEW SECTION. Sec. 16. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 17. Sections 1 through 12 of this act are each added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.31 RCW.

Passed the House April 23, 1979.

Passed the Senate April 17, 1979.

Approved by the Governor May 2, 1979.

Filed in Office of Secretary of State May 2, 1979.

CHAPTER 119

[Substitute House Bill No. 624]

CONTROLLED SUBSTANCES—PRESCRIPTION AUTHORITY

AN ACT Relating to controlled substances; amending section 69.50.402, chapter 308, Laws of 1971 ex. sess. and RCW 69.50.402; prescribing penalties; and declaring an emergency.

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

Section 1. Section 69.50.402, chapter 308, Laws of 1971 ex. sess. and RCW 69.50.402 are each amended to read as follows:

(a) It is unlawful for any person:

(1) who is subject to Article III to distribute or dispense a controlled substance in violation of RCW 69.50.308;

(2) who is a registrant, to manufacture a controlled substance not authorized by his registration, or to distribute or dispense a controlled substance

not authorized by his registration to another registrant or other authorized person;

(3) who is a practitioner, to prescribe, order, dispense, administer, supply, or give to any person:

(i) any amphetamine, including its salts, optical isomers, and salts of optical isomers classified as a schedule II controlled substance by the board of pharmacy pursuant to chapter 34.04 RCW; or

(ii) any nonnarcotic stimulant classified as a schedule II controlled substance and designated as a nonnarcotic stimulant by the board of pharmacy pursuant to chapter 34.04 RCW;

except for the treatment of narcolepsy or for the treatment of hyperkinesia, or for the treatment of drug-induced brain dysfunction, or for the treatment of epilepsy, or for the differential diagnostic psychiatric evaluation of depression, or for the treatment of depression shown to be refractory to other therapeutic modalities, or for the clinical investigation of the effects of such drugs or compounds, in which case an investigative protocol therefor shall have been submitted to and reviewed and approved by the state board of pharmacy before the investigation has been begun: PROVIDED, That investigations by the board of pharmacy of abuse of prescriptive authority by physicians, licensed pursuant to chapter 18.71 RCW, pursuant to subsection (a) (3) of this section shall be done in consultation with the medical disciplinary board;

(4) to refuse or fail to make, keep or furnish any record, notification, order form, statement, invoice or information required under this chapter;

((+4)) (5) to refuse an entry into any premises for any inspection authorized by this chapter; or

((+5)) (6) knowingly to keep or maintain any store, shop, warehouse, dwelling, building, vehicle, boat, aircraft, or other structure or place, which is resorted to by persons using controlled substances in violation of this chapter for the purpose of using these substances, or which is used for keeping or selling them in violation of this chapter.

(b) Any person who violates this section is guilty of a crime and upon conviction may be imprisoned for not more than two years, fined not more than two thousand dollars, or both.

NEW SECTION. Sec. 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 April 23, 1979.

Passed the Senate April 6, 1979.

Approved by the Governor May 2, 1979.

Filed in Office of Secretary of State May 2, 1979.

CHAPTER 120

[House Bill No. 645]

COMMUNITY EDUCATION PROGRAMS

AN ACT Relating to education; amending section 1, chapter 138, Laws of 1973 and RCW 28A.58.247; creating new sections.

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

NEW SECTION. Section 1. The purposes of this amendatory act are to:

(1) Provide educational, recreational, cultural, and other community services and programs through the establishment of the concept of community education with the community school serving as the center for such activity;

(2) Promote a more efficient and expanded use of existing school buildings and equipment;

(3) Help provide personnel to work with schools, citizens and with other agencies and groups;

(4) Provide a wide range of opportunities for all citizens; and

(5) Help develop a sense of community in which the citizens cooperate with the public schools and community agencies and groups to resolve their school and community concerns and to recognize that the schools are available for use by the community day and night, year-round or any time when the programming will not interfere with the preschool through grade twelve program.

Sec. 2. Section 1, chapter 138, Laws of 1973 and RCW 28A.58.247 are each amended to read as follows:

Notwithstanding the provisions of RCW 28B.50.250, 28B.50.530 or any other law, rule, or regulation, any school district is authorized to provide community education programs in the form of instructional, recreational and/or service programs on a noncredit and nontuition basis, excluding fees for supplies, materials, or instructor costs, for the purpose of stimulating the full educational potential and meeting the needs of the district's residents of all ages, and making the fullest use of the district's school facilities: **PROVIDED**, That such programs shall be consistent with rules and regulations promulgated by the state superintendent of public instruction governing cooperation between common schools, community college districts, and other civic and governmental organizations which shall have been developed in cooperation with the state board for community college education and shall be programs receiving the approval of said superintendent(~~(=PROVIDED FURTHER, That no state funds appropriated to the common schools or the superintendent of public instruction's office shall be used to begin new community education programs or expand existing community education programs))~~).

NEW SECTION. Sec. 3. The superintendent of public instruction and the executive director of the state board for community college education, in consultation with representatives of local school districts and community college districts, as well as representatives of the general public, shall prepare a report with recommendations for public policy on community schools to the legislature. Such a study shall include a definition of community schools, a definition of the services to be provided, an analysis of the facilities to be utilized, the preparation of a financial plan, and a proposal for the governance of such programs. Reports of an interim nature should be presented to the education and higher education committees of the legislature as requested. The final report should be presented to the legislature no later than January 1, 1981.

Passed the House April 19, 1979.

Passed the Senate April 11, 1979.

Approved by the Governor May 2, 1979.

Filed in Office of Secretary of State May 2, 1979.

CHAPTER 121

[House Bill No. 750]

PUBLIC TRAILS AND PATHS—PROGRAM EXPENDITURES

AN ACT Relating to trails; amending section 2, chapter 103, Laws of 1972 ex. sess. as amended by section 12, chapter 141, Laws of 1974 ex. sess. and RCW 47.30.030; amending section 4, chapter 103, Laws of 1972 ex. sess. and RCW 47.30.050; amending section 5, chapter 103, Laws of 1972 ex. sess. and RCW 47.30.060; and adding a new section to chapter 47.30 RCW.

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

Section 1. Section 2, chapter 103, Laws of 1972 ex. sess. as amended by section 12, chapter 141, Laws of 1974 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 where the separation of motor vehicle traffic from pedestrians, equestrians, or bicyclists will materially increase the motor vehicle safety, the provision 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 is hereby authorized. The ~~((state highway commission))~~ department of transportation, or the county or city having jurisdiction over the highway, road, or street, or facility is further authorized to ~~((spend [expend]))~~ 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.

Sec. 2. Section 4, chapter 103, Laws of 1972 ex. sess. and RCW 47.30-.050 are each amended to read as follows:

(1) The amount expended by ((the highway department or by)) a city, town, or county as authorized by RCW 47.30.030, as now or hereafter amended, shall never in any one fiscal year be less than one-half of one percent of the total amount of funds received from the motor vehicle fund according to the provisions of RCW 46.68.100: PROVIDED, That this section does not apply to a city or town in any year in which the one-half of one percent equals five hundred dollars or less, or to a county in any year in which the one-half of one percent equals three thousand dollars or less: PROVIDED FURTHER, That a city, town, or county in lieu of expending the funds each year may credit the funds to a financial reserve or special fund, to be held for not more than ten years, and to be expended for the purposes required or permitted by RCW 47.30.030.

(2) In each fiscal year the department of transportation shall expend, as a minimum, for the purposes mentioned in RCW 47.30.030, as now or hereafter amended, a sum equal to three-tenths of one percent of all funds, both state and federal, expended for the construction of state highways in such year, or in order to more efficiently program trail improvements the department may defer any part of such minimum trail or path expenditures for a fiscal year for a period not to exceed four years after the end of such fiscal year. Any fiscal year in which the department expends for trail or path purposes more than the minimum sum required by this subsection, the amount of such excess expenditure shall constitute a credit which may be carried forward and applied to the minimum trail and path expenditure requirements for any of the ensuing four fiscal years.

(3) The department of transportation, a city, or a county in computing the amount expended for trails or paths under their respective jurisdictions may include the cost of improvements consistent with a comprehensive plan or master plan for bicycle trails or paths adopted by a state or local governmental authority either prior to such construction or prior to January 1, 1980.

Sec. 3. Section 5, chapter 103, Laws of 1972 ex. sess. and RCW 47.30-.060 are each amended to read as follows:

For the purposes of this chapter, the establishment of paths and trails and the expenditure of funds as authorized by RCW 47.30.030, as now or hereafter amended, shall be deemed to be for highway, road, and street purposes. The department of ((highways)) transportation shall, when requested, and subject to reimbursement of costs, provide technical assistance and advice to cities, towns, and counties in carrying out the purposes of RCW 47.30.030, as now or hereafter amended. The department shall recommend construction standards for paths and trails. The department shall provide a uniform system of signing paths and trails which shall apply to paths and trails under the jurisdiction of the department and of cities,

towns, and counties. The department and cities, towns, and counties may restrict the use of paths and trails under their respective jurisdictions to pedestrians, equestrians, and nonmotorized vehicles.

NEW SECTION. Sec. 4. There is added to chapter 47.30 RCW a new section to read as follows:

For the purposes of this chapter, "trail" or "path" means a public way constructed primarily for and open to pedestrians, equestrians, or bicyclists, or any combination thereof, other than a sidewalk constructed as a part of a city street or county road for the exclusive use of pedestrians. The term "trail" or "path" also includes a widened shoulder of a highway, street, or road when the extra shoulder width is constructed to accommodate bicyclists consistent with a comprehensive plan or master plan for bicycle trails or paths adopted by a state or local governmental authority either prior to such construction or prior to January 1, 1980.

Passed the House March 30, 1979.

Passed the Senate April 19, 1979.

Approved by the Governor May 2, 1979.

Filed in Office of Secretary of State May 2, 1979.

CHAPTER 122

[Substitute House Bill No. 751]

HIGHWAY DEVELOPMENT—CLASSIFICATION AND PRIORITY PROGRAMMING

AN ACT Relating to classification and priority programming for highway development; amending section 1, chapter 130, Laws of 1977 ex. sess. and RCW 47.05.021; amending section 3, chapter 173, Laws of 1963 as last amended by section 44, chapter 151, Laws of 1977 ex. sess. and RCW 47.05.030; amending section 2, chapter 143, Laws of 1975 1st ex. sess. and RCW 47.05.035; amending section 4, chapter 173, Laws of 1963 as last amended by section 15, chapter 235, Laws of 1977 ex. sess. and RCW 47.05.040; amending section 4, chapter 143, Laws of 1975 1st ex. sess. and RCW 47.05.051; amending section 6, chapter 143, Laws of 1975 1st ex. sess. and RCW 47.05.055; amending section 7, chapter 173, Laws of 1963 as last amended by section 45, chapter 151, Laws of 1977 ex. sess. and RCW 47.05.070; amending section 24, chapter 83, Laws of 1967 ex. sess. as last amended by section 13, chapter 317, Laws of 1977 ex. sess. and RCW 47.26.180; and repealing section 2, chapter 173, Laws of 1963, section 2, chapter 39, Laws of 1969 ex. sess., section 43, chapter 151, Laws of 1977 ex. sess. and RCW 47.05.020.

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

Section 1. Section 1, chapter 130, Laws of 1977 ex. sess. and RCW 47.05.021 are each amended to read as follows:

(1) The ((state highway)) transportation commission is hereby directed to conduct periodic analyses of the entire state highway system, report thereon to the legislature biennially and based thereon, to subdivide, classify, and subclassify according to their function and importance all designated state highways and those added from time to time and periodically review and revise the classifications(~~(, except those highways designated as~~

~~part of the national system of interstate and defense highways,))~~ into the following three functional classes:

(a) The "principal arterial system" shall consist of a connected network of rural arterial routes with appropriate extensions into and through urban areas, including all routes designated as part of the interstate system, which serve corridor movements having travel characteristics indicative of substantial state-wide and interstate travel;

(b) The "minor arterial system" shall, in conjunction with the principal arterial system, form a rural network of arterial routes linking cities and other activity centers which generate long distance travel, and, with appropriate extensions into and through urban areas, form an integrated network providing interstate and interregional service; and

(c) The "collector system" shall consist of routes which primarily serve the more important intercounty, intracounty, and intraurban travel corridors, collect traffic from the system of local access roads and convey it to the arterial system, and on which, regardless of traffic volume, the predominant travel distances are shorter than on arterial routes.

(2) Those state highways which perform no arterial or collector function, which serve only local access functions, and which lack essential state highway characteristics shall be designated "local access" highways.

(3) In making the functional classification the ~~((highway))~~ transportation commission shall adopt and give consideration to criteria consistent with this section and federal regulations relating to the functional classification of highways, including but not limited to the following:

(a) Urban population centers within and without the state stratified and ranked according to size;

(b) Important traffic generating economic activities, including but not limited to recreation, agriculture, government, business, and industry;

(c) Feasibility of the route, including availability of alternate routes within and without the state;

(d) Directness of travel and distance between points of economic importance;

(e) Length of trips;

(f) Character and volume of traffic;

(g) Preferential consideration for multiple service which shall include public transportation;

(h) Reasonable spacing depending upon population density; and

(i) System continuity.

Sec. 2. Section 3, chapter 173, Laws of 1963 as last amended by section 44, chapter 151, Laws of 1977 ex. sess. and RCW 47.05.030 are each amended to read as follows:

The ~~((department of))~~ transportation commission shall adopt and periodically revise ~~((in accordance with policies established by the transportation commission and))~~, after consultation with the legislative transportation

committee (~~(and senate and house transportation committees a long range plan for highway improvements)~~), a comprehensive six-year program and financial plan for highway improvements specifying ~~((highway planning))~~ program objectives for each of the highway categories, "A(~~(¹;~~)₂)," "B(~~(¹;~~)₂)," and "C(~~(¹;~~)₂)," defined in this section, ~~((based upon needs for the ensuing fourteen year advance planning period;))~~ and within the framework of ~~((revenue estimates))~~ estimated funds for such period. The program and plan shall be based upon the improvement needs for state highways as determined by the department from time to time.

With such reasonable deviations as may be required to effectively utilize the ~~((available))~~ estimated funds and to adjust to unanticipated delays in programmed projects, the ~~((department))~~ commission shall allocate the estimated ~~((available))~~ funds among the following described categories of highway improvements, so as to carry out the ~~((department's highway planning))~~ commission's program objectives ~~((within a fourteen year advance planning period))~~:

(1) Category A shall consist of those improvements necessary to sustain the structural, safety, and operational integrity of the existing state highway system (other than improvements to the interstate system to be funded with federal aid at the regular interstate rate under federal law and regulations).

(2) Category B shall consist of improvements for the continued development of the interstate system to be funded with federal aid at the regular interstate rate under federal law and regulations.

(3) Category C shall consist of the development of major transportation improvements (other than improvements to the interstate system to be funded with federal aid at the regular interstate rate under federal law and regulations) including designated but unconstructed highways which are vital to the state-wide transportation network.

Sec. 3. Section 2, chapter 143, Laws of 1975 1st ex. sess. and RCW 47-.05.035 are each amended to read as follows:

(1) The transportation commission, in preparing the ~~((long range))~~ comprehensive six-year program and financial plan for highway improvements, shall allocate the estimated ~~((revenues for the fourteen year period))~~ funds among categories A, B, and C, giving primary consideration to the following factors:

- (a) The relative needs in each of the categories of improvements;
- (b) The need to provide adequate funding for category A improvements to protect the state's investment in its existing highway system; and
- (c) The continuity of future highway development of all categories of improvements with those previously programmed.

(2) The commission in preparing the ~~((long range))~~ comprehensive six-year program and financial plan shall establish ~~((graduated rates of development of category A improvements according to functional class importance))~~ program objectives for each of the highway categories, A, B, and C.

Sec. 4. Section 4, chapter 173, Laws of 1963 as last amended by section 15, chapter 235, Laws of 1977 ex. sess. and RCW 47.05.040 are each amended to read as follows:

(1) Prior to October 1st of each even-numbered year, the ~~((state highway))~~ transportation commission as provided in subsections (2), (3), and (4) of this section shall adopt and thereafter shall biennially revise, after consultation with the legislative transportation committee ((and senate and house transportation committees a)), the comprehensive six-year program and financial plan for highway ((construction, maintenance, and planning activities)) improvements, including program objectives, as specified in RCW 47.05.030 as now or hereafter amended.

(2) The ~~((highway construction program for the ensuing six years))~~ commission shall first allocate to category A improvements as a whole((; and then 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)) program objectives for category A highway improvements throughout the state. The commission shall then apportion the ((available)) allocated category A construction funds((, according to functional class,)) among the several ((highway)) transportation districts ((in the proportion that)) considering the ((estimated remaining category A)) improvement needs ((for each functional class of highway within)) of each ((highway)) district ((bears to the total of such estimated needs for each functional class remaining unsatisfied throughout the state)) in relation to such needs in all districts.

(3) The commission shall next allocate to category B improvements ~~((for the ensuing six years,))~~ the estimated ((available)) federal aid interstate funds and state matching funds as necessary to accomplish the commission's ((long range plan)) program objectives for category B highway improvements throughout the state.

(4) The commission shall then allocate to category C improvements ~~((for the ensuing six years,))~~ the remaining estimated ((available)) construction funds to accomplish ~~((to the extent possible))~~ the commission's ((long range plan)) program objectives for category C highway improvements throughout the state.

Sec. 5. Section 4, chapter 143, Laws of 1975 1st ex. sess. and RCW 47.05.051 are each amended to read as follows:

(1) The comprehensive six-year ((comprehensive highway construction)) program and financial plan for each category of highway improvements shall be based upon a priority selection system within the ~~((budget limits))~~ program objectives established for ~~((the))~~ each category. The commission using the criteria set forth in RCW 47.05.030, as now or hereafter amended, shall determine the category of each highway improvement.

(2) Selection of specific category A projects for the six-year program shall ~~((be based on the priority of each highway section proposed to be improved or constructed in relation to other highway sections within the same functional class and within the respective highway district taking))~~ take into account the criteria set forth in subsection (4) of this section.

(3) Selection of specific category B projects for the six-year program shall be based on completion of the ~~((priority of each))~~ interstate system ~~((highway section proposed to be improved or constructed in relation to other interstate highway sections within the state taking into account the criteria set forth in subsection (4) of this section))~~.

(4) ~~((The priority of each category A and B project as provided in subsections (2) and (3) of this section shall be determined in accordance with))~~ In selecting each category A project as provided in subsection (2) of this section, the following criteria (not necessarily in order of importance) shall be taken into consideration:

(a) Its structural ability to carry loads imposed upon it;
(b) Its capacity to move traffic at reasonable speeds without undue congestion;

(c) Its adequacy of alignment and related geometrics;

(d) Its accident experience; and

(e) Its fatal accident experience.

(5) The transportation commission in carrying out the provisions of this section may delegate to the department of transportation the authority to select category A and B improvements to be included in the six-year program.

(6) Selection of specific category C projects for the six-year program shall be based on the priority of each highway section proposed to be improved in relation to other highway sections within the state with full regard to the structural, geometric, safety, and operational adequacy of the existing highway section taking into account the following:

(a) Continuity of development of the highway transportation network;

(b) Coordination with the development of other modes of transportation;

(c) The stated long range goals of the local area and its transportation plan;

(d) Its potential social, economic, and environmental impacts;

(e) Public views concerning proposed improvements;

(f) The conservation of energy resources and the capacity of the transportation corridor to move people and goods safely and at reasonable speeds; and

(g) Feasibility of financing the full proposed improvement.

~~((6))~~ (7) The commission in selecting any project for improvement in categories A, B, or C may depart from the priority of projects so established (a) to the extent that otherwise funds cannot be utilized feasibly within the program, (b) as may be required by a court judgment, legally binding

agreement, or state and federal laws and regulations, (c) as may be required to coordinate with federal, local, or other state agency construction projects, (d) to take advantage of some substantial financial benefit that may be available, (e) for continuity of route development, or (f) because of changed financial or physical conditions of an unforeseen or emergent nature. The commission shall maintain in its files information sufficient to show the extent to which the commission has departed from the established priority of projects.

~~((7))~~ (8) The comprehensive six-year ~~((construction))~~ program and financial plan for highway improvements shall be revised biennially ~~((in accordance with revisions in functional classification or priority ratings resulting from changed conditions))~~ pursuant to RCW 47.05.040 as now or hereafter amended. The adopted program and plan shall be extended for an additional two years, to six years in the future, effective on July 1st of each odd-numbered year.

Sec. 6. Section 6, chapter 143, Laws of 1975 1st ex. sess. and RCW 47.05.055 are each amended to read as follows:

The provisions of this ~~((1975))~~ 1979 amendatory act modifying existing procedures for priority programming for highway development as set forth in chapter 47.05 RCW, shall first apply to the ~~((long range plan for improvements))~~ comprehensive six-year program and financial plan for highway improvements for the period ~~((1977))~~ 1981 to ~~((1991, and shall first apply to the preparation of the six year highway construction program for the period 1977 to 1983))~~ 1987. For the ~~((biennium))~~ biennia ending June 30, ~~((1977))~~ 1979, and June 30, 1981, the commission may deviate from the existing long range plan and the six-year ~~((plan whenever it shall determine that further development of any project, regardless of location or functional class, may be incompatible with))~~ program to accommodate the modified procedures prescribed by this ~~((1975))~~ 1979 amendatory act ~~((and the long range plan and the six year plan being developed pursuant thereto for the periods 1977 to 1991 and 1977 to 1983 respectively))~~.

Sec. 7. Section 7, chapter 173, Laws of 1963 as last amended by section 45, chapter 151, Laws of 1977 ex. sess. and RCW 47.05.070 are each amended to read as follows:

(1) The transportation commission ~~((, with the assistance of the department;))~~ shall approve and present to the governor and to the legislature prior to its convening, a recommended budget for the ensuing biennium. The biennial budget shall include details of proposed expenditures, performance and public service criteria for construction, maintenance, and planning activities in consonance with the comprehensive six-year ~~((comprehensive))~~ program and financial plan adopted under provisions of RCW 44.40.070 and 47.05.040 as now or hereafter amended.

(2) Prior to October 1st of each odd-numbered year, the transportation commission shall prepare and adopt, and may thereafter revise from time to

time, a biennial operating budget for all of its activities in conformity with legislative appropriations.

Sec. 8. Section 24, chapter 83, Laws of 1967 ex. sess. as last amended by section 13, chapter 317, Laws of 1977 ex. sess. and RCW 47.26.180 are each amended to read as follows:

Arterial designation and classification, as provided for by this chapter, shall be required to be an integral and coordinated portion of its planning process as authorized by chapters 35.63 or 36.70 RCW. The legislative authority of each county and city lying within or having within its boundaries an urban area shall with the advice and assistance of its chief engineer and its planning office divide all of its roads or streets into arterial roads or streets and access roads or streets and shall further subdivide the arterials into three functional classes to be known as ~~((major))~~ principal arterials, ~~((secondary))~~ minor arterials, and collector arterials~~((; all in accordance with uniform standards established by the urban arterial board))~~: PROVIDED, That incorporated cities lying outside federally approved urban areas shall not be required to subdivide arterials into functional classes. Upon receipt of the classification plans of the several counties and cities, the urban arterial board shall review and revise the classification for the urban arterials as necessary to conform with ~~((its uniform standards for classifying urban arterials))~~ (1) existing designated federal route classifications, or (2) uniform classification standards established by the urban arterial board.

NEW SECTION. Sec. 9. Section 2, chapter 173, Laws of 1963, section 2, chapter 39, Laws of 1969 ex. sess., section 43, chapter 151, Laws of 1977 ex. sess. and RCW 47.05.020 are each repealed.

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 House March 28, 1979.

Passed the Senate April 19, 1979.

Approved by the Governor May 2, 1979.

Filed in Office of Secretary of State May 2, 1979.

CHAPTER 123

[House Bill No. 913]

TIDELANDS—LEASES—AQUACULTURE USE

AN ACT Relating to aquaculture; and amending section 142, chapter 255, Laws of 1927 as last amended by section 1, chapter 228, Laws of 1967 and RCW 79.01.568.

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

Section 1. Section 142, chapter 255, Laws of 1927 as last amended by section 1, chapter 228, Laws of 1967 and RCW 79.01.568 are each amended to read as follows:

The beds of all navigable tidal waters in this state lying below extreme low tide (~~((not in front of any incorporated city or town, nor within two miles on either side thereof))~~), except as prohibited by Article XV, section 1 of the Washington State Constitution, shall be subject to lease for the purpose of planting and cultivating thereon oyster beds, or for the purpose of cultivating clams or other edible shellfish, or for other aquaculture use, for periods not to exceed ten years.

Where the lands are used for the cultivation of oysters, the parcels leased shall not exceed forty acres.

Where the lands are used for the cultivation of clams or other ~~((edible shellfish))~~ aquaculture use, the ~~((commissioner))~~ department of natural resources may, in ~~((his))~~ its discretion, grant leases for larger parcels.

Nothing in ~~((this 1967 amendatory act))~~ chapter 228, Laws of 1967, shall prevent any person from leasing more than one parcel, as offered by the ~~((commissioner))~~ department.

Passed the House April 23, 1979.

Passed the Senate April 18, 1979.

Approved by the Governor May 2, 1979.

Filed in Office of Secretary of State May 2, 1979.

CHAPTER 124

[House Bill No. 954]

CITIES AND TOWNS—ANNEXATION—DEBT ASSUMPTION—RURAL AIRPORT ZONING

AN ACT Relating to annexation; amending section 35A.14.015, chapter 119, Laws of 1967 ex. sess. as last amended by section 14, chapter 220, Laws of 1975 1st ex. sess. and RCW 35A.14.015; amending section 35A.14.020, chapter 119, Laws of 1967 ex. sess. and RCW 35A.14.020; amending section 35A.14.030, chapter 119, Laws of 1967 ex. sess. as amended by section 6, chapter 251, Laws of 1971 ex. sess. and RCW 35A.14.030; amending section 35A.14.070, chapter 119, Laws of 1967 ex. sess. and RCW 35A.14.070; amending section 35A.14.080, chapter 119, Laws of 1967 ex. sess. and RCW 35A.14.080; amending section 35A.14.090, chapter 119, Laws of 1967 ex. sess. and RCW 35A.14.090; amending section 35A.14.100, chapter 119, Laws of 1967 ex. sess. and RCW 35A.14.100; amending section 35A.14.120, chapter 119, Laws of 1967 ex. sess. and RCW 35A.14.120; amending section 35A.14.150, chapter 119, Laws of 1967 ex. sess. and RCW 35A.14.150; and adding a new section to chapter 35.22 RCW.

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

Section 1. Section 35A.14.015, chapter 119, Laws of 1967 ex. sess. as last amended by section 14, chapter 220, Laws of 1975 1st ex. sess. and RCW 35A.14.015 are each amended to read as follows:

When the legislative body of a charter code city or noncharter code city shall determine that the best interests and general welfare of such city

would be served by the annexation of unincorporated territory contiguous to such city, such legislative body may, by resolution, call for an election to be held to submit to the voters of such territory the proposal for annexation. The resolution shall, subject to RCW 35A.03.180, describe the boundaries of the area to be annexed, state the number of voters residing therein as nearly as may be, and shall provide that said city will pay the cost of the annexation election. The resolution may require that there also be submitted to the electorate of the territory sought to be annexed a proposition that all property within the area annexed shall, upon annexation, be assessed and taxed at the same rate and on the same basis as the property of such annexing city is assessed and taxed to pay for ~~((any))~~ all or any portion of the then-outstanding indebtedness of the city to which said area is annexed, which indebtedness has been approved by the voters, contracted for, or incurred prior to, or existing at, the date of annexation. Whenever such city has prepared and filed a proposed zoning regulation for the area to be annexed as provided for in RCW 35A.14.330 and 35A.14.340, the resolution initiating the election may also provide for the simultaneous adoption of the proposed zoning regulation upon approval of annexation by the electorate of the area to be annexed. A certified copy of the resolution shall be filed with the ~~((board of county commissioners))~~ legislative authority of the county in which said territory is located. A certified copy of the resolution shall be filed with the boundary review board as provided for in chapter ~~((189, Laws of 1967 [chapter 36.93 RCW]))~~ 36.93 RCW or the county annexation review board established by RCW 35A.14.200, unless such annexation proposal is within the provisions of RCW 35A.14.220.

Sec. 2. Section 35A.14.020, chapter 119, Laws of 1967 ex. sess. and RCW 35A.14.020 are each amended to read as follows:

When a petition which is sufficient under the rules set forth in RCW 35A.01.040 is filed with the legislative body of a code city, calling for an election to vote upon the annexation of unincorporated territory contiguous to such city, describing the boundaries of the area proposed to be annexed, stating the number of voters therein as nearly as may be, and signed by qualified electors resident in such territory equal in number to ten percent of the votes cast at the last state general election therein, the city clerk shall file with the legislative body thereof a certificate of sufficiency of the petition. Within sixty days thereafter, the legislative body shall, by resolution, notify the petitioners, either by mail or by publication in the same manner notice of hearing is required by RCW 35A.14.040 to be published, of its approval or rejection of the proposed action. In approving the proposed action, the legislative body may require that there also be submitted to the electorate of the territory to be annexed, a proposition that all property within the area to be annexed shall, upon annexation, be assessed and taxed at the same rate and on the same basis as the property of such annexing city is assessed and taxed to pay for ~~((any))~~ all or any portion of the then-

outstanding indebtedness of the city to which said area is annexed, which indebtedness has been approved by the voters, contracted for, or incurred prior to, or existing at, the date of annexation. Whenever the legislative body has prepared and filed a proposed zoning regulation for the area to be annexed as provided for in RCW 35A.14.330 and 35A.14.340, the legislative body in approving the proposed action, may require that the proposed zoning regulation be simultaneously adopted upon the approval of annexation by the electorate of the area to be annexed. The approval of the legislative body shall be a condition precedent to further proceedings upon the petition. The costs of conducting the election called for in the petition shall be a charge against the city concerned.

Sec. 3. Section 35A.14.030, chapter 119, Laws of 1967 ex. sess. as amended by section 6, chapter 251, Laws of 1971 ex. sess. and RCW 35A.14.030 are each amended to read as follows:

Upon approval of the petition for election by the legislative body of the code city to which such territory is proposed to be annexed, the petition shall be filed with the ~~((board of county commissioners for))~~ legislative authority of the county in which such territory is located, along with a statement, in the form required by the city, of the provisions, if any there be, relating to assumption of the portion of the debt that the city requires to be assumed by the owners of property of the area proposed to be annexed, and/or the simultaneous adoption of a proposed zoning regulation for the area. A copy of the petition and the statement, if any, shall also be filed with the boundary review board as provided for in chapter ~~((189, Laws of 1967 [chapter 36.93 RCW]))~~ 36.93 RCW or the county annexation review board established by RCW 35A.14.160, unless such proposed annexation is within the provisions of RCW 35A.14.220.

Sec. 4. Section 35A.14.070, chapter 119, Laws of 1967 ex. sess. and RCW 35A.14.070 are each amended to read as follows:

Notice of an annexation election shall particularly describe the boundaries of the area proposed to be annexed, as the same may have been modified by the boundary review board or the county annexation review board, state the objects of the election as prayed in the petition or as stated in the resolution, and require the voters to cast ballots which shall contain the words "For Annexation" or "Against Annexation" or words equivalent thereto, or contain the words "For Annexation and Adoption of Proposed Zoning Regulation", and "Against Annexation and Adoption of Proposed Zoning Regulation", or words equivalent thereto in case the simultaneous adoption of a proposed zoning regulation is proposed, and in case the assumption of all or a portion of indebtedness is proposed, shall contain ~~((as a))~~ an appropriate, separate proposition~~((; the words "For assumption of indebtedness" and "Against assumption of indebtedness" or words equivalent thereto))~~ for or against the portion of indebtedness that the city requires to be assumed. The notice shall be posted for at least two weeks prior

to the date of election in four public places within the area proposed to be annexed and published at least once a week for two weeks prior to the date of election in a newspaper of general circulation within the limits of the territory proposed to be annexed. Such notice shall be in addition to the notice required by RCW 35A.29.140.

Sec. 5. Section 35A.14.080, chapter 119, Laws of 1967 ex. sess. and RCW 35A.14.080 are each amended to read as follows:

On the Monday next succeeding the annexation election, the county canvassing board shall proceed to canvass the returns thereof and shall submit the statement of canvass to the ~~((board of county commissioners))~~ county legislative authority.

The proposition for or against annexation or for or against annexation and adoption of the proposed zoning regulation, as the case may be, shall be deemed approved if a majority of the votes cast on that proposition are cast in favor of annexation or in favor of annexation and adoption of the proposed zoning regulation, as the case may be. If a proposition for or against assumption of all or any portion of indebtedness was submitted to the electorate, it shall be deemed approved if a majority of at least three-fifths of the electors of the territory proposed to be annexed voting on such proposition vote in favor thereof, and the number of persons voting on such proposition constitutes not less than forty percent of the total number of votes cast in such territory at the last preceding general election. If either or both propositions were approved by the electors, the ~~((board of county commissioners))~~ county legislative authority shall enter a finding to that effect on its minutes, a certified copy of which shall be forthwith transmitted to and filed with the clerk of the city to which annexation is proposed, together with a certified abstract of the vote showing the whole number who voted at the election, the number of votes cast for annexation and the number cast against annexation or for annexation and adoption of the proposed zoning regulation and the number cast against annexation and adoption of the proposed zoning regulation, as the case may be, and if a proposition for assumption of all or any portion of indebtedness was submitted to the electorate, the abstract shall include the number of votes cast for assumption of indebtedness and the number of votes cast against assumption of indebtedness, together with a statement of the total number of votes cast in such territory at the last preceding general election.

Sec. 6. Section 35A.14.090, chapter 119, Laws of 1967 ex. sess. and RCW 35A.14.090 are each amended to read as follows:

Upon filing of the certified copy of the finding of the ~~((board of county commissioners))~~ county legislative authority, the clerk shall transmit it to the legislative body of the city at the next regular meeting or as soon thereafter as practicable. If only a proposition relating to annexation or to annexation and adoption of a proposed zoning regulation was submitted to the voters and such proposition was approved, the legislative body shall adopt

an ordinance providing for the annexation or adopt ordinances providing for the annexation and adoption of a proposed zoning regulation, as the case may be. If a proposition for annexation or for annexation and adoption of a proposed zoning regulation, and a proposition for assumption of all or any portion of indebtedness were both submitted, and both were approved, the legislative body shall adopt an ordinance providing for the annexation or for annexation and adoption of the proposed zoning regulation, including the assumption of the portion of indebtedness that was approved by the voters. If both propositions were submitted and only the annexation or the annexation and adoption of the proposed zoning regulation was approved, the legislative body may adopt an ordinance providing for the annexation or adopt ordinances providing for the annexation and adoption of the proposed zoning regulation, as the case may be, or the legislative body may refuse to annex when a proposal for assumption of the portion of indebtedness has been disapproved by the voters.

Sec. 7. Section 35A.14.100, chapter 119, Laws of 1967 ex. sess. and RCW 35A.14.100 are each amended to read as follows:

Upon the date fixed in the ordinance of annexation, the area annexed shall become a part of the city. Upon the date fixed in the ordinances of annexation and adoption of the proposed zoning regulation, the area annexed shall become a part of the city, and property in the annexed area shall be subject to the proposed zoning regulation, as prepared and filed as provided for in RCW 35A.14.330 and 35A.14.340. All property within the territory hereafter annexed shall, if the proposition approved by the people so provides, be assessed and taxed at the same rate and on the same basis as the property of such annexing city is assessed and taxed to pay for (~~any then outstanding~~) the portion of indebtedness of the city (~~or town to which said area is annexed, contracted prior to, or existing at, the date of annexation~~) that was approved by the voters.

Sec. 8. Section 35A.14.120, chapter 119, Laws of 1967 ex. sess. and RCW 35A.14.120 are each amended to read as follows:

Proceedings for initiating annexation of unincorporated territory to a charter code city or noncharter code city may be commenced by the filing of a petition of property owners of the territory proposed to be annexed, in the following manner. This method of annexation shall be alternative to other methods provided in this chapter. Prior to the circulation of a petition for annexation, the initiating party or parties, who shall be the owners of not less than ten percent in value, according to the assessed valuation for general taxation of the property for which annexation is sought, shall notify the legislative body of the code city in writing of their intention to commence annexation proceedings. The legislative body shall set a date, not later than sixty days after the filing of the request, for a meeting with the initiating

parties to determine whether the code city will accept the proposed annexation, whether it shall require the simultaneous adoption of a proposed zoning regulation, if such a proposal has been prepared and filed for the area to be annexed as provided for in RCW 35A.14.330 and 35A.14.340, and whether it shall require the assumption of all or of any portion of existing city indebtedness by the area to be annexed. If the legislative body requires the assumption of all or of any portion of indebtedness and/or the adoption of a proposed zoning regulation, it shall record this action in its minutes and the petition for annexation shall be so drawn as to clearly indicate these facts. Approval by the legislative body shall be a condition precedent to circulation of the petition. There shall be no appeal from the decision of the legislative body. A petition for annexation of an area contiguous to a code city may be filed with the legislative body of the municipality to which annexation is desired. It must be signed by the owners, as defined by RCW 35A.01.040(~~((++))~~) (9)(a) through (d), of not less than seventy-five percent in value, according to the assessed valuation for general taxation of the property for which annexation is petitioned. Such petition shall set forth a description of the property according to government legal subdivisions or legal plats and shall be accompanied by a map which outlines the boundaries of the property sought to be annexed. If the legislative body has required the assumption of all or any portion of city indebtedness by the area annexed or the adoption of a proposed zoning regulation, these facts, together with a quotation of the minute entry of such requirement, or requirements, shall also be set forth in the petition.

Sec. 9. Section 35A.14.150, chapter 119, Laws of 1967 ex. sess. and RCW 35A.14.150 are each amended to read as follows:

Upon the date fixed in the ordinance of annexation the area annexed shall become part of the city. All property within the territory hereafter annexed shall, if the annexation petition so provided, be assessed and taxed at the same rate and on the same basis as the property of such annexing code city is assessed and taxed to pay for the portion of any then-outstanding indebtedness of the city to which said area is annexed, which indebtedness has been approved by the voters, contracted for, or incurred prior to, or existing at, the date of annexation and that the city has required to be assumed. If the annexation petition so provided, all property in the annexed area shall be subject to and a part of the proposed zoning regulation as prepared and filed as provided for in RCW 35A.14.330 and 35A.14.340.

NEW SECTION. Sec. 10. There is added to chapter 35.22 RCW a new section to read as follows:

Whenever a first class city owns and operates a municipal air port which is located in an unincorporated area of a county, the airport shall be subject to the county's comprehensive plan and zoning ordinances in the same manner as if the airport were privately owned and operated.

NEW SECTION. Sec. 11. If any provision of this 1979 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, 1979.
Passed the Senate April 11, 1979.
Approved by the Governor May 2, 1979.
Filed in Office of Secretary of State May 2, 1979.

CHAPTER 125

[House Bill No. 989]

PUBLIC SERVICE COMPANIES—UTILITY FACILITY LEASES—FEDERAL
HOLDING COMPANY LAW EXEMPTION

AN ACT Relating to the powers and duties of the utilities and transportation commission; and adding a new section to chapter 80.04 RCW.

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

NEW SECTION. Section 1. There is added to chapter 80.04 RCW a new section to read as follows:

In addition to any other powers and duties under this chapter, the commission shall have the authority to authorize and approve the terms of any lease of utility facilities by a public service company, as lessee, if the public service company makes proper application to the commission certifying that such authorization or approval is necessary or appropriate to exempt any owner of the facilities from being a public utility company under the federal Public Utility Holding Company Act of 1935.

Passed the House March 21, 1979.
Passed the Senate April 18, 1979.
Approved by the Governor May 2, 1979.
Filed in Office of Secretary of State May 2, 1979.

CHAPTER 126

[Substitute House Bill No. 57]

LOCAL OFFICIALS—ELECTION OF

AN ACT Relating to local government; amending section 3, chapter 114, Laws of 1951 and RCW 14.08.304; amending section 28A.57.312, chapter 223, Laws of 1969 ex. sess. as last amended by section 5, chapter 43, Laws of 1975 and RCW 28A.57.312; amending section 5, chapter 15, Laws of 1975-'76 2nd ex. sess. and RCW 28A.57.328; amending section 3, chapter 67, Laws of 1971 as amended by section 102, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.355; amending section 6, chapter 15, Laws of 1975-'76 2nd ex. sess. and RCW 28A.57.356; amending section 7, chapter 15, Laws of 1975-'76 2nd ex. sess. and RCW 28A.57.357; amending section 8, chapter 15, Laws of 1975-'76 2nd ex. sess. and RCW 28A.57.358; amending section 29.13.021, chapter 9, Laws of 1965 and RCW 29.13.021; amending section 29.13.023, chapter 9, Laws of 1965 and

RCW 29.13.023; amending section 29.13.024, chapter 9, Laws of 1965 and RCW 29.13.024; amending section 29.13.025, chapter 9, Laws of 1965 and RCW 29.13.025; amending section 29.13.050, chapter 9, Laws of 1965 as amended by section 6, chapter 123, Laws of 1965 and RCW 29.13.050; amending section 29.13.060, chapter 9, Laws of 1965 and RCW 29.13.060; amending section 35.03.040, chapter 7, Laws of 1965 as amended by section 4, chapter 270, Laws of 1969 ex. sess. and RCW 35.03.040; amending section 35.17.020, chapter 7, Laws of 1965 and RCW 35.17.020; amending section 35.17.400, chapter 7, Laws of 1965 and RCW 35.17.400; amending section 35.18.020, chapter 7, Laws of 1965 and RCW 35.18.020; amending section 35.18.270, chapter 7, Laws of 1965 and RCW 35.18.270; amending section 35.23.040, chapter 7, Laws of 1965 and RCW 35.23.040; amending section 35.24.050, chapter 7, Laws of 1965 as amended by section 2, chapter 116, Laws of 1969 and RCW 35.24.050; amending section 35.27.090, chapter 7, Laws of 1965 and RCW 35.27.090; amending section 35.61.050, chapter 7, Laws of 1965 and RCW 35.61.050; amending section 35A.29.090, chapter 119, Laws of 1967 ex. sess. and RCW 35A.29.090; amending section 36.16.020, chapter 4, Laws of 1963 and RCW 36.16.020; amending section 36.32.030, chapter 4, Laws of 1963 and RCW 36.32.030; amending section 36.69.070, chapter 4, Laws of 1963 and RCW 36.69.070; amending section 36.69.080, chapter 4, Laws of 1963 and RCW 36.69.080; amending section 36.69.090, chapter 4, Laws of 1963 as amended by section 18, chapter 200, Laws of 1963 and RCW 36.69.090; amending section 22, chapter 34, Laws of 1939 as last amended by section 1, chapter 86, Laws of 1973 and RCW 52.12.010; amending section 23, chapter 34, Laws of 1939 and RCW 52.12.020; amending section 27, chapter 34, Laws of 1939 and RCW 52.12.060; amending section 2, chapter 68, Laws of 1951 and RCW 53.12.172; amending section 2, chapter 113, Laws of 1925 ex. sess. as amended by section 2, chapter 45, Laws of 1941 and RCW 53.12.220; amending section 5, chapter 207, Laws of 1951 and RCW 54.08.060; amending section 4, chapter 1, Laws of 1931 as last amended by section 8, chapter 36, Laws of 1977 ex. sess. and RCW 54.12.010; amending section 1, chapter 110, Laws of 1953 as last amended by section 17, chapter 200, Laws of 1963 and RCW 56.12.020; amending section 4, chapter 18, Laws of 1959 and RCW 57.12.030; amending section 14, chapter 6, Laws of 1947 and RCW 68.16.140; amending section 5, chapter 264, Laws of 1945 as last amended by section 1, chapter 11, Laws of 1957 and RCW 70.44.040; adding a new section to chapter 29.01 RCW; adding a new section to chapter 29.04 RCW; adding a new section to chapter 42.17 RCW; repealing section 34, chapter 43, Laws of 1975 and RCW 28A.57.329; and repealing section 3, chapter 113, Laws of 1925 ex. sess. and RCW 53.12.240.

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

NEW SECTION. Section 1. There is added to chapter 29.04 RCW a new section to read as follows:

(1) The legislature finds that certain laws are in conflict governing the election of various local officials. The purpose of this legislation is to provide a common date for the assumption of office for all the elected officials of counties, cities, towns, and special purpose districts where the ownership of property is not a prerequisite of voting. It is also the purpose of this legislation to remove these conflicts and delete old statutory language concerning such elections which is no longer necessary.

(2) For elective offices of counties, cities, towns, and special purpose districts where the ownership of property is not a prerequisite of voting, the term of incumbents shall end and the term of successors shall begin after the successor is elected and qualified, and the term shall commence immediately after December 31st following the election, except as follows:

(a) Where the term of office varies from this standard according to statute; and

(b) If the election results have not been certified prior to January 1st after the election, in which event the time of commencement for the new term shall occur when the successor becomes qualified in accordance with section 2 of this act.

(3) For elective offices governed by this section, the oath of office shall be taken as the last step of qualification as defined in section 2 of this act but may be taken either:

(a) Up to ten days prior to the scheduled date of assuming office; or

(b) At the last regular meeting of the governing body of the applicable county, city, town, or special district held before the winner is to assume office.

NEW SECTION. Sec. 2. There is added to chapter 29.01 RCW a new section to read as follows:

"Qualified" when pertaining to a winner of an election means that for such election:

(1) The results have been certified;

(2) A certificate has been issued;

(3) Any required bond has been posted; and

(4) The winner has taken and subscribed an oath or affirmation in compliance with the appropriate statute, or if none is specified, that he or she will faithfully and impartially discharge the duties of the office to the best of his or her ability. This oath or affirmation shall be administered and certified by any officer or notary public authorized to administer oaths, without charge therefor.

Sec. 3. Section 3, chapter 114, Laws of 1951 and RCW 14.08.304 are each amended to read as follows:

The board of airport district commissioners shall consist of three members, who shall each be a registered voter and actually a resident of the district. The first commissioners shall be appointed by the ~~((board of county commissioners))~~ county legislative authority. At the next general district election, held as provided in RCW 29.13.020, three airport district commissioners shall be elected. The term of office of airport district commissioners shall be two years, or until their successors are elected and qualified and have assumed office in accordance with section 1 of this act. Members of the board of airport district commissioners shall be elected at each regular general election on a nonpartisan basis. They shall be nominated by petition of ten registered voters of the district. ~~((The elected members of the board of airport district commissioners shall take office as soon as they have been certified as elected by the election board.))~~ Vacancies on the board of airport district commissioners shall be filled by appointment by the remaining commissioners. Members of the board of airport district commissioners shall receive no compensation for their services, but shall be reimbursed for actual necessary traveling and sustenance expenses incurred while engaged on official business.

Sec. 4. Section 28A.57.312, chapter 223, Laws of 1969 ex. sess. as last amended by section 5, chapter 43, Laws of 1975 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, each member((s)) 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)) a successor((s-are)) is elected ((and)), qualified, and begins his or her term in accordance with section 1 of this act. 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 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.

Sec. 5. Section 5, chapter 15, Laws of 1975-'76 2nd ex. sess. and RCW 28A.57.328 are each amended to read as follows:

Upon the establishment of a new school district of the second class, the directors of the old school districts who reside within the limits of the new district shall meet at the call of the educational service district superintendent and shall constitute the board of directors of the new district. If fewer than five such directors reside in any such new second class school district, they shall become directors of said district, and the educational service district board shall appoint the number of additional directors required to constitute a board of five directors for the new second class district. Vacancies once such a board has been reconstituted shall not be filled unless the number of remaining board members is less than five in a second class district, and such vacancies shall be filled in the manner otherwise provided by law.

Each board of directors so constituted shall proceed at once to organize in the manner prescribed by law and thereafter shall have all the powers and authority conferred by law upon boards of directors of other districts of the same class ~~((and the directors thereof shall serve until the regular school election following the next regular school election in the district at which election their successors shall be elected and qualified))~~. Each initial director shall hold office until his successor is elected and qualified in accordance with section 1 of this act: PROVIDED, That the election of the successor shall be held during the second district general election after the initial directors have assumed office. At such election, no more than five directors

shall be elected either at large or by director districts, as the case may be, two for a term of two years and three for a term of four years. Directors thereafter elected and qualified shall serve such terms as provided for in RCW 28A.57.312, as now or hereafter amended.

Sec. 6. Section 3, chapter 67, Laws of 1971 as amended by section 102, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.355 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 no former first class district, the directors of the old school districts who reside within the limits of the new district shall meet at the call of the educational service district superintendent and shall constitute the board of directors of the new district. If fewer than five such directors reside in such new district, they shall become directors of said district and the educational service district board shall appoint the number of additional directors to constitute a board of five directors for the district. Vacancies, once such a board has been reconstituted, shall not be filled unless the number of remaining board members is less than five, and such vacancies shall be filled in the manner otherwise provided by law.

Each board of directors so constituted shall proceed at once to organize in the manner prescribed by law and thereafter shall have all the powers and authority conferred by law upon boards of directors of first class school districts until the next regular school election in the district at which election their successors shall be elected and qualified and assume office in accordance with section 1 of this act. At such election no more than five directors shall be elected either at large or by director districts, as the case may be, two for a term of two years and three for a term of four years: **PROVIDED**, That if such first class district is in a class AA or class A county and contains a city of the first class, two directors shall be elected for a term of three years and three directors shall be elected for a term of six years.

Sec. 7. Section 6, chapter 15, Laws of 1975-'76 2nd ex. sess. and RCW 28A.57.356 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, as now or hereafter amended, containing only one former first class district, the directors of the former first class district and two directors representative of former second class districts selected by a majority of the board members of former second class districts shall meet at the call of the educational service district superintendent and shall constitute the board of directors of the new district. Vacancies, once such a board has been reconstituted, shall not be filled unless the number of remaining board members is less than five, and such vacancies shall be filled in the manner otherwise provided by law.

Each board of directors so constituted shall proceed at once to organize in the manner prescribed by law and thereafter shall have all the powers

and authority conferred by law upon boards of directors of first class school districts until the next regular school election in the district at which election their successors shall be elected and qualified and then assume office in accordance with section 1 of this act. At such election no more than five directors shall be elected either at large or by director districts, as the case may be, two for a term of two years and three for a term of four years: PROVIDED, That if such first class district is in a class AA or class A county and contains a city of the first class, two directors shall be elected for a term of three years and three directors shall be elected for a term of six years.

Sec. 8. Section 7, chapter 15, Laws of 1975-'76 2nd ex. sess. 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, as now or hereafter amended, 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 shall meet at the call of the educational service 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 and then assume office in accordance with section 1 of this act. 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 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.

Sec. 9. Section 8, chapter 15, Laws of 1975-'76 2nd ex. sess. 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 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 shall meet at the call of the educational service 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 and then assume office in accordance with section 1 of this act. 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. 10. Section 29.13.021, chapter 9, Laws of 1965 and RCW 29.13.021 are each amended to read as follows:

All regular elections in cities of the first class under a commission form of government whose charters provide that elections shall be held triennially, shall hereafter be held quadrennially and shall be held on the Tuesday following the first Monday in November in the odd-numbered years: PROVIDED, That no such regular city election shall be held under the provisions of this 1963 amendatory section until the Tuesday after the first Monday in November, 1969. The elections to be held in such cities in 1964 under existing law shall be conducted at the time and in the manner as though the provisions of the 1963 elections act had not been enacted. All city officials elected in 1964, or thereafter, shall be elected for terms of four years and until their successors are elected and qualified ~~((under the provisions of the 1963 elections act))~~ and then assume office in accordance with section 1 of this act.

Sec. 11. Section 29.13.023, chapter 9, Laws of 1965 and RCW 29.13.023 are each amended to read as follows:

All regular elections in first class cities having a mayor-council form of government whose charters provide for twelve councilmen elected for a term of two years, two being elected from each of six wards, and for the election of a mayor, treasurer, and comptroller for terms of two years, shall be held biennially ~~((, and shall be held on the Tuesday following the first Monday in November in the odd-numbered years except))~~ as provided in RCW 29.13.020 ~~((and 29.13.030))~~. The term of each councilman, mayor, treasurer, and comptroller shall be four years and until ~~((their))~~ his or her successor ~~((s are))~~ is elected and qualified and assumes office in accordance with section

1 of this act. The terms of the councilmen shall be so staggered that six councilmen shall be elected to office at each regular election.

Sec. 12. Section 29.13.024, chapter 9, Laws of 1965 and RCW 29.13-.024 are each amended to read as follows:

All regular elections in first class cities having a mayor-council form of government whose charters provide for seven councilmen, one to be elected from each of six wards and one at large, for a term of two years, and for the election of a mayor, comptroller, treasurer and attorney for two year terms, shall be held ~~((on the Tuesday following the first Monday in November on the odd-numbered years except))~~ biennially as provided in RCW 29.13.020 ~~((and 29.13.030))~~. The terms of the six councilmen to be elected by wards shall be four years and until their successors are elected and qualified and the term of the councilman to be elected at large shall be two years and until their successors are elected and qualified. The terms of the councilmen shall be so staggered that three ward councilmen and the councilman at large shall be elected at each regular election. The term of the mayor, attorney, treasurer, and comptroller shall be four years and until their successors are elected and qualified and assume office in accordance with section 1 of this act.

Sec. 13. Section 29.13.025, chapter 9, Laws of 1965 and RCW 29.13-.025 are each amended to read as follows:

For the purposes of RCW 29.13.020, ~~((29.13.030;))~~ 29.13.040, 29.21-.060, 29.24.110, 29.27.040 and 29.27.080, "class A county" shall include counties of higher classification whenever such class or classes shall be established.

Sec. 14. Section 29.13.050, chapter 9, Laws of 1965 as amended by section 6, chapter 123, Laws of 1965 and RCW 29.13.050 are each amended to read as follows:

The term of every city, town, and district officer elected to office on the first Tuesday following the first Monday in November of the odd-numbered years shall begin ~~((as of noon on the second Monday in January following his election))~~ in accordance with section 1 of this act: PROVIDED, That ~~((school directors and))~~ any person elected to less than a full term shall assume office as soon as the election returns have been certified and he or she is qualified in accordance with section 2 of this act.

~~((Persons elected to office at the first regular elections held under the provisions of the 1963 elections act as amended shall assume office as soon as the election returns have been certified:))~~

Each board of directors of every district shall be organized at the first meeting held after one or more newly elected directors take office.

Sec. 15. Section 29.13.060, chapter 9, Laws of 1965 and RCW 29.13-.060 are each amended to read as follows:

In class AA and class A counties, first class school districts containing a city of the first class shall hold their elections biennially ~~((on the Tuesday following the first Monday in November of each odd-numbered year))~~ as provided in RCW 29.13.020.

The directors to be elected shall be elected for terms of six years and until their successors are elected and qualified and assume office in accordance with section 1 of this act.

Sec. 16. Section 35.03.040, chapter 7, Laws of 1965 as amended by section 4, chapter 270, Laws of 1969 ex. sess. and RCW 35.03.040 are each amended to read as follows:

The fifteen freeholders receiving the highest number of votes at such election shall be certified by the county auditor as elected as freeholders to form a charter for said city provided a majority of those voting at the election referred to in RCW 35.03.030 vote in favor of incorporation. It shall be the duty of the persons so elected to convene within ten days after their election and frame a charter for said city, and within sixty days thereafter they, or a majority of their number, shall submit such charter to the ~~((board of county commissioners))~~ county legislative authority which shall within ninety days thereafter cause another election to be called and held in said city and to be conducted in the manner required for the calling of a special election in Title 29 RCW, as now or hereafter amended, except as otherwise provided in this chapter, and in conformity with Article 11, section 10 of the Constitution, for the purpose of submitting said charter to the qualified electors of said city and for the election of the various elective officials to the respective offices named in said charter. The form of ballot at such election shall be "for proposed charter," "against proposed charter," and the names of the candidates for the respective offices named in said proposed charter. At the first election of officials for said city any qualified elector of said city may become a candidate for any of the elective offices set forth in such proposed charter without nomination by filing with the proper election officials of the county a declaration in writing that he desires to be a candidate for a particular office (naming it), such declaration to be filed not earlier than sixty nor later than thirty days prior to such election. Candidates for council positions shall file for a numbered position as provided by RCW 29.21.017. The candidates receiving the highest number of votes for the respective offices shall be declared elected to such office and the county auditor shall issue a certificate of such election. The newly elected officials shall assume office when qualified in accordance with section 2 of this act. After the first election the nomination and election of officials for said city shall be as prescribed in the charter adopted by the people and the laws of the state. No person shall be entitled to vote at such election unless he shall be a qualified elector of said city and shall have resided within the limits of said city for at least thirty days preceding such election. If a majority of all the votes cast on the proposed charter are not

in favor of the proposed charter, no further proceeding shall be had on the petition for incorporation filed pursuant to RCW 35.03.020, but this shall not bar any new proceeding for such purpose.

Sec. 17. Section 35.17.020, chapter 7, Laws of 1965 and RCW 35.17-.020 are each amended to read as follows:

All regular elections in cities organized under the statutory commission form of government shall be held quadrennially (~~and, shall be held on the Tuesday following the first Monday in November~~) in the odd-numbered years(~~(, except as)~~) on the dates provided in RCW 29.13.020 (~~and 29.13-030~~). The commissioners shall be nominated and elected at large. Their terms shall be for four years and until their successors are elected and qualified and assume office in accordance with section 1 of this act. If a vacancy occurs in the commission the remaining members shall appoint a person to fill it for the unexpired term.

Sec. 18. Section 35.17.400, chapter 7, Laws of 1965 and RCW 35.17-.400 are each amended to read as follows:

The first election of commissioners shall be held within sixty days after the adoption of the proposition to organize under the commission form, and the commission first elected shall commence to serve as soon as they have been elected and have qualified and shall continue to serve until their successors have been elected and qualified and have assumed office in accordance with section 1 of this act. The date of the second election for commissioners shall be in accordance with RCW 29.13.020 such that the term of the first commissioners will be as near as possible to, but not in excess of, four years.

Sec. 19. Section 35.18.020, chapter 7, Laws of 1965 and RCW 35.18-.020 are each amended to read as follows:

(1) The number of councilmen shall be in proportion to the population of the city or town indicated in its petition for incorporation and thereafter shall be in proportion to its population as last determined by the state census board as follows:

~~((1))~~ (a) A city or town having not more than two thousand inhabitants, five councilmen;

~~((2))~~ (b) A city having more than two thousand, seven councilmen.

(2) All councilmen shall be elected at large or from such wards or districts as may be established by ordinance, and shall serve for a term of four years and until their successors are elected and qualified and assume office in accordance with section 1 of this act: PROVIDED, HOWEVER, That at the first general municipal election held in the city in accordance with RCW 29.13.020, after the election approving the council-manager plan, the following shall apply:

(a) ~~((At the first election,))~~ One councilman shall be nominated and elected from each ward or such other existing district of said city as may

have been established for the election of members of the legislative body of the city and the remaining councilmen shall be elected at large; but if there are no such wards or districts in the city, or at an initial election for the incorporation of a community, the councilmen shall be elected at large.

(b) In cities electing five councilmen, the candidates having the three highest number of votes shall be elected for a four year term and the other two for a two year term commencing immediately when qualified in accordance with section 2 of this act and continuing until their successors are elected and qualified and have assumed office in accordance with section 1 of this act.

(c) In cities electing seven councilmen, the candidates having the four highest number of votes shall be elected for a four year term and the other three for a two year term commencing immediately when qualified in accordance with section 2 of this act and continuing until their successors are elected and qualified and have assumed office in accordance with section 1 of this act.

(d) In determining the candidates receiving the highest number of votes, only the candidate receiving the highest number of votes in each ward, as well as the councilman-at-large or councilmen-at-large, are to be considered.

(3) When a municipality has qualified for an increase in the number of councilmen from five to seven by virtue of the next succeeding ~~((state census board))~~ population determination made by the office of financial management after the majority of the voters thereof have approved operation under the council-manager plan, at the first election when two additional councilmen are to be elected, one of the two additional councilmen receiving the highest number of votes shall be elected for a four year term and the other additional councilman shall be elected for a two year term. The terms of the two additional councilmen shall commence immediately when qualified in accordance with section 2 of this act.

~~((If a vacancy in the council occurs, the remaining members shall appoint a person to fill such office only until the next regular general municipal election at which a person shall be elected to serve for the remainder of the unexpired term:))~~

(4) In the event such population determination as provided in subsection (3) of this section requires an increase in the number of councilmen, the city or town council shall fill the additional councilmanic positions by appointment not later than thirty days following the release of said population determination, and the appointee shall hold office only until the next regular city or town election at which a person shall be elected to serve for the remainder of the unexpired term~~((: PROVIDED, That should said))~~. In the event such population determination results in a decrease in the number of councilmen, said decrease shall not take effect until the next regular city or town election: PROVIDED, That the council shall by ordinance indicate

which, if any, of the remaining positions shall be elected at-large or from wards or districts.

(5) If a vacancy in the council occurs, the remaining members shall appoint a person to fill such office only until the next regular general municipal election at which a person shall be elected to serve for the remainder of the unexpired term.

Sec. 20. Section 35.18.270, chapter 7, Laws of 1965 and RCW 35.18-.270 are each amended to read as follows:

If the majority of the votes cast at a special election for organization on the council-manager plan favor the plan, the city or town at its next regular election shall elect the council required under the council-manager plan in number according to the population of the municipality: PROVIDED, That if the date of the next municipal general election is more than one year from the date of the election approving the council-manager plan, a special election shall be held to elect the councilmen; the newly elected councilmen shall assume office immediately when they are qualified in accordance with section 2 of this act following the canvass of votes as certified and shall remain in office until their successors are elected (~~and qualified~~) at the next general municipal election: PROVIDED, That such successor shall hold office for staggered terms as provided in RCW 35.18.020 as now or hereafter amended. Councilmen shall take office at the time provided by general law. Declarations of candidacy for city or town elective positions under the council-manager plan for cities and towns shall be filed with the (~~city or town clerk~~) county auditor as the case may be not more than forty-five nor less than thirty days prior to said special election to elect the members of the city council. Any candidate may file a written declaration of withdrawal at any time within five days after the last day for filing a declaration of candidacy. All names of candidates to be voted upon shall be printed upon the ballot alphabetically in group under the designation of the title of the offices for which they are candidates. There shall be no rotation of names.

Sec. 21. Section 35.23.040, chapter 7, Laws of 1965 and RCW 35.23-.040 are each amended to read as follows:

A general municipal election shall be held biennially in second class cities not operating under the commission form of government (~~and shall be held on the Tuesday following the first Monday in November of~~) in each odd-numbered year(~~(, except)~~) as provided in RCW 29.13.020 (~~and 29.13.030~~).

The term of office of mayor, city clerk, city treasurer and councilmen in such cities shall be four years, and until their successors are elected and qualified and assume office in accordance with section 1 of this act, but not more than six councilmen shall be elected in any one year to fill a full term. The term of office of police judge shall be two years and until his successor is elected and qualified and assumes office in accordance with section 1 of this act.

Sec. 22. Section 35.24.050, chapter 7, Laws of 1965 as amended by section 2, chapter 116, Laws of 1969 and RCW 35.24.050 are each amended to read as follows:

General municipal elections in third class cities not operating under the commission form of government shall be held biennially(~~(, and, shall be held on the Tuesday following the first Monday in November)~~) in the odd-numbered years(~~(, except)~~) as provided in RCW 29.13.020 (~~(and 29.13.030)~~). The term of office of the mayor, city attorney, clerk, and treasurer shall be four years and until their successors are elected and qualified and assume office in accordance with section 1 of this act: **PROVIDED**, That if the offices of city attorney, clerk, and treasurer are made appointive, the city attorney, clerk, and treasurer shall not be appointed for a definite term: **PROVIDED FURTHER**, That the term of the elected treasurer shall not commence in the same biennium in which the term of the mayor commences, nor in which the terms of the city attorney and clerk commence if they are elected.

A councilman-at-large shall be elected biennially for a two-year term and until ~~((their))~~ his or her successor~~((s are))~~ is elected and qualified~~((;))~~ and assumes office in accordance with section 1 of this act. Of the other six councilmen, three shall be elected ((biennially as the terms of their predecessors expire)) in each biennial general municipal election for terms of four years and until their successors are elected and qualified and assume office in accordance with section 1 of this act.

Sec. 23. Section 35.27.090, chapter 7, Laws of 1965 and RCW 35.27.090 are each amended to read as follows:

All general municipal elections in towns shall be held biennially(~~(, irrespective of the form of government, on the Tuesday following the first Monday in November)~~) in the odd-numbered years(~~(, except)~~) as provided in RCW 29.13.020 (~~(and 29.13.030)~~). The term of office of the mayor and treasurer shall be four years and until their successors are elected and qualified and assume office in accordance with section 1 of this act: **PROVIDED**, That the term of the treasurer shall not commence in the same biennium in which the term of the mayor commences. Councilmen shall be elected for four year terms and until their successors are elected and qualified and assume office in accordance with section 1 of this act; three at one election and two at the next succeeding biennial election.

Sec. 24. Section 35.61.050, chapter 7, Laws of 1965 and RCW 35.61.050 are each amended to read as follows:

At the same election at which the proposition is submitted to the voters as to whether a metropolitan park district is to be formed, five park commissioners shall be elected to hold office respectively for the following terms: ~~((In cities of the first class holding general elections for mayor biennially, one commissioner shall be elected to hold office for two years and two for four years and two for six years and their respective successors shall be~~

~~ected at each biennial election for a term of six years and until their respective successors are elected and qualified. In cities of the first class holding elections every three years two commissioners shall be elected for three years and three commissioners shall be elected for six years and thereafter two and three commissioners, respectively, shall be elected at each general election for a term of six years and until their respective successors are elected and qualified))~~ Where the election is held in an odd-numbered year, one commissioner shall be elected to hold office for two years, two shall be elected to hold office for four years, and two shall be elected to hold office for six years. Where the election is held in an even-numbered year, one commissioner shall hold office for three years, two shall hold office for five years, and two shall hold office for seven years. The initial commissioners shall take office immediately when they are elected and qualified, and for purposes of computing their terms of office the terms shall be assumed to commence on the first day of January of the year they are elected. The term of each nominee for park commissioner shall be expressed on the ballot. Thereafter, all commissioners shall serve six-year terms of office and until their respective successors are elected and qualified and assume office in accordance with section 1 of this act. Vacancies shall be filled by majority action of the remaining commissioners appointing a voter to fill the remainder of the term of the vacant commissioner position.

Sec. 25. Section 35A.29.090, chapter 119, Laws of 1967 ex. sess. and RCW 35A.29.090 are each amended to read as follows:

Except as otherwise provided in RCW 35A.03.130, 35A.04.140, 35A.05.110, and 35A.08.110, the term of every code city officer elected to office ~~((on the first Tuesday following the first Monday in November of the odd-numbered years))~~ in a general municipal election as provided in RCW 29.13.020 shall begin ((as of noon on the second Monday in January following his election)) when qualified and in accordance with section 1 of this act: PROVIDED, That any person elected to less than a full term shall assume office as soon as the election returns are certified and they are qualified in accordance with section 2 of this act, unless otherwise provided in this title: PROVIDED FURTHER, That when not otherwise provided for in this title the term of officers elected at a special election shall begin on the first Monday following the certification of the election returns.

Sec. 26. Section 36.16.020, chapter 4, Laws of 1963 and RCW 36.16.020 are each amended to read as follows:

The term of office of all county and precinct officers shall be four years and until their successors are elected and qualified and ~~((shall begin on the second Monday in January following the election))~~ assume office in accordance with section 1 of this act: PROVIDED, That this section and RCW 36.16.010 shall not apply to county commissioners((~~PROVIDED FURTHER, That this section shall not apply to county superintendents elected in 1962~~)).

Sec. 27. Section 36.32.030, chapter 4, Laws of 1963 and RCW 36.32-.030 are each amended to read as follows:

The terms of office of county commissioners shall be four years and until their successors are elected and qualified (~~(At the expiration of the present term of office of each county commissioner, each county commissioner thereafter shall be elected for a term of four years)~~) and assume office in accordance with section 1 of this act: PROVIDED, That the terms shall be staggered so that either one or two commissioners are elected at a general election held in an even-numbered year.

Sec. 28. Section 36.69.070, chapter 4, Laws of 1963 and RCW 36.69-.070 are each amended to read as follows:

All elections pursuant to this chapter (~~(regardless of county classification)~~) shall be conducted in accordance with the provisions of chapter 29.13 RCW (~~(as for class AA counties: PROVIDED, That a special election for the formation of any park and recreation district may be held at such time as may be ordered by the board of county commissioners)~~) for district elections. Notices of the election for the formation of the park and recreation district shall state generally and briefly the purpose thereof and shall give the boundaries of the proposed district, define the election precincts, designate the polling place of each, give the names of the five nominated park and recreation commissioner candidates of the proposed district, and name the day of the election and the hours during which the polls will be open. The proposition to be submitted to the voters shall be stated in such manner that the voters may indicate yes or no upon the proposition of forming the proposed park and recreation district. The ballot shall be so arranged that voters may vote for the five nominated candidates or may write in the names of other candidates.

Sec. 29. Section 36.69.080, chapter 4, Laws of 1963 and RCW 36.69-.080 are each amended to read as follows:

If a majority of all votes cast upon the proposition favors the formation of the district, [the] (~~(board of)~~) county (~~(commissioners)~~) legislative authority shall[,] by resolution, declare the territory organized as a park and recreation district under the name theretofore designated, and shall declare the candidate from each subdivision receiving the highest number of votes for park and recreation commissioner the duly elected first park and recreation commissioner of the subdivision of the district. These initial park and recreation commissioners shall take office immediately upon their election and qualification and hold office until their successors are elected and qualified and assume office as provided in RCW 36.69.090 as now or hereafter amended.

Sec. 30. Section 36.69.090, chapter 4, Laws of 1963 as amended by section 18, chapter 200, Laws of 1963 and RCW 36.69.090 are each amended to read as follows:

Elections for park and recreation district commissioners shall be held biennially in conjunction with the general election on the first Tuesday after the first Monday of November in each ~~((even-numbered))~~ odd-numbered year ~~((: PROVIDED, That in class AA counties the election shall be held on the first Tuesday after the first Monday of November in each odd-numbered year))~~. Residence anywhere within the district shall qualify an elector for any position on the commission after the initial election. Following the initial election declarations of candidacy for the office of commissioner shall be filed with the county auditor not more than sixty nor less than forty-six days prior to said election. Any candidate may withdraw his declaration at any time to and including the first Friday after the last day for filing a declaration of candidacy. All names of candidates to be voted upon shall be printed upon the ballot alphabetically in a group under the designation of the title of the offices for which they are candidates. There shall be no rotation of names. All commissioners shall serve until their successors are elected and qualified and assume office in accordance with section 1 of this act. ~~((The terms of office of all commissioners after the first commissioners shall begin as of noon on the second Monday in January following their respective elections:))~~ At the first election following the formation of the district, the candidate receiving the highest number of votes shall serve for a term of six years, the two candidates receiving the next highest number of votes shall serve for four years and the two candidates receiving the next highest number of votes shall serve for two years. Thereafter all commissioners shall be elected for six year terms.

Sec. 31. Section 22, chapter 34, Laws of 1939 as last amended by section 1, chapter 86, Laws of 1973 and RCW 52.12.010 are each amended to read as follows:

The affairs of the district shall be managed by a board of five commissioners composed of three resident electors of the district. The members of any district which owns or operates motor-powered fire fighting equipment shall each receive twenty-five dollars per day, not to exceed seventy-five dollars per month, for attendance at board meetings and for performance of other services in behalf of the district. In addition, they shall receive necessary expenses incurred in attending meetings of the board or when otherwise engaged in district business, and shall be entitled to receive the same insurance available to all firemen of the district: PROVIDED, That the premiums for such insurance, except liability insurance, shall be paid by the individual commissioners who elect to receive it. In any district which has a fire department owning and operating motor-powered fire fighting equipment and employing personnel on a full time, fully paid basis, fire commissioners, in addition to expenses as aforesaid, shall each receive twenty-five dollars per day, not to exceed one hundred twenty-five dollars per month, for attendance at board meetings and for performance of other services on behalf of the district. Any commissioner may waive all or any portion of his

compensation payable under this section as to any month or months during his term of office, by a written waiver filed with the secretary as provided in this section. The waiver, to be effective, must be filed any time after the commissioner's election and prior to the date on which said compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made.

The board shall fix the compensation to be paid the secretary and all other agents and employees of the district. The board may, by resolution adopted by unanimous vote, authorize any of its members to serve as volunteer firemen without compensation. A commissioner actually serving as a volunteer fireman may enjoy the rights and benefits of a volunteer fireman. The first commissioners shall take office immediately when qualified in accordance with section 2 of this act and shall serve until after the next general election for the selection of commissioners and until their successors have been elected ((or appointed)) and have qualified and have assumed office in accordance with section 1 of this act.

Sec. 32. Section 23, chapter 34, Laws of 1939 and RCW 52.12.020 are each amended to read as follows:

Except as herein otherwise provided, the term of fire commissioner shall be six years ~~((from and after the second Monday in January next succeeding his election. At the next general election, fire commissioners of the district shall be elected. Such))~~ and shall begin in accordance with section 1 of this act. Except that fire protection district elections are held in odd-numbered years, elections shall be called, noticed, conducted, canvassed, and certificates of election issued by the same officials as for general elections for selection of county officials.

Sec. 33. Section 27, chapter 34, Laws of 1939 and RCW 52.12.060 are each amended to read as follows:

At the time of the next general election occurring thirty or more days after the creation of the district, three members of the board of fire commissioners shall be elected. The candidate receiving the highest number of votes shall serve for a term of six years beginning ~~((on the second Monday in January following))~~ in accordance with section 1 of this act, the candidate receiving the next highest number of votes shall serve for a term of four years, as aforesaid, and the candidate receiving the next highest number of votes shall serve for a term of two years, as aforesaid. It is the intent of the law that the term of one fire commissioner only shall expire biennially and that this relationship be preserved so far as legally possible.

Sec. 34. Section 2, chapter 68, Laws of 1951 and RCW 53.12.172 are each amended to read as follows:

In every such port district the term of office of each port commissioner shall be six years and until his or her successor is elected and qualified, and one commissioner shall be elected at the time of the general election in each

~~((even-numbered))~~ odd-numbered year for the term of six years ~~((from the first of January following his election))~~ beginning in accordance with section 1 of this act: PROVIDED, That the terms of office of the port commissioners shall be staggered in any district hereafter organized as follows:

(1) The candidate residing in the first commissioner district receiving the highest number of votes in the port district at the election organizing the district shall hold office until ((the expiration of six years after the first day of January following his election if such election is at a general election, and if such election is at a special election he shall hold office until the expiration of six years after the first day of January following the next succeeding general election)) a successor assumes office who is elected from the election held in the sixth year after the organizational election, if such organizational election was held in an odd-numbered year, or from the election held in the fifth year after the organizational election if such organizational election was held in an even-numbered year; (2) the candidate residing in the second commissioner district receiving the highest number of votes in the port district at such organizational election shall hold office until ~~((the expiration of four years from the first day of January following his election if such election is at a general election, and if such election is at a special election he shall hold office until the expiration of four years after the first day of January following the next succeeding general election))~~ a successor assumes office who is elected from the election held in the fourth year after the organizational election, if such organizational election was held in an odd-numbered year, or from the election held in the third year after the organizational election if such organizational election was held in an even-numbered year; and (3) the candidate residing in the third commissioner district receiving the highest number of votes in the port district at such organizational election shall hold office until ~~((the expiration of two years after the first day of January following his election if such election is at a general election, and if such election is at a special election he shall hold office until the expiration of two years after the first day of January following the next succeeding general election; in all the foregoing situations, the commissioner to hold office until his successor is elected and qualified))~~ a successor assumes office who is elected from the election held in the second year after the organizational election, if such organizational election was held in an odd-numbered year, or from the election held in the first year after the organizational election if such organizational election was held in an even-numbered year.

Sec. 35. Section 2, chapter 113, Laws of 1925 ex. sess. as amended by section 2, chapter 45, Laws of 1941 and RCW 53.12.220 are each amended to read as follows:

In every such port district the term of office of each port commissioner shall be six years and until his or her successor is elected and qualified, and

one port commissioner shall be elected at the time of the general (~~biennial~~) election in each (~~even-numbered~~) odd-numbered year for the term of six years (~~from the first day of January following his election~~) beginning in accordance with section 1 of this act: PROVIDED, That the terms of office of the port commissioners shall be staggered in any such district hereafter organized as follows: (1) The candidate residing in the first commissioner's district receiving the highest number of votes in the port district at the election organizing the district shall hold office until ((the expiration of six years after the first day of January following his election if such election is at a general biennial election, and if such election is at a special election he shall hold office until the expiration of six years after the first day of January, following the next succeeding general biennial election)) a successor assumes office who is elected from the election held in the sixth year after the organizational election, if such organizational election was held in an odd-numbered year, or from the election held in the fifth year after the organizational election if such organizational election was held in an even-numbered year; (2) the candidate residing in the second commissioner district receiving the highest number of votes in the port district at such organizational election shall hold office [until] ((until the expiration of four years from the first day of January following his election if such election is at a general biennial election, and if such election is at a special election he shall hold office until the expiration of four years after the first day of January following the next succeeding general biennial election)) a successor assumes office who is elected from the election held in the fourth year after the organizational election, if such organizational election was held in an odd-numbered year, or from the election held in the third year after the organizational election if such organizational election was held in an even-numbered year; and (3) the candidate residing in the third commissioner district receiving the highest number of votes in the port district at such organizational election shall hold office until ((the expiration of two years after the first day of January following his election if such organizational election is at a general biennial election, and if such election is at a special election he shall hold office until the expiration of two years after the first day of January following the next succeeding general biennial election. In all port districts in first class counties, the boundaries of which are coextensive with the counties in which they are located, there shall be a port commissioner elected at the general biennial election held in 1942 from commissioner's district No. 2 and at the general biennial election in 1944 a commissioner from commissioner's district No. 1, and at the general biennial election in 1946 a commissioner from commissioner's district No. 3. Port commissioners holding office at the time this act takes effect shall continue in office until their successors are elected and qualified. In all port districts in class A counties, the boundaries of which are coextensive with the counties in which they are located, there shall be a port commissioner

~~electd at the general biennial election held in 1942 from commissioner's district No. 1 and at the general biennial election in 1944 a commissioner from commissioner's district No. 3, and at the general biennial election in 1946 a commissioner from commissioner's district No. 2. Port commissioners holding office at the time this act takes effect shall continue in office until their successors are elected and qualified)) a successor assumes office who is elected from the election held in the second year after the organizational election, if such organizational election was held in an odd-numbered year, or from the election held in the first year after the organizational election if such organizational election was held in an even-numbered year.~~

Sec. 36. Section 5, chapter 207, Laws of 1951 and RCW 54.08.060 are each amended to read as follows:

Whenever a proposition for the formation of a public utility district is to be submitted to voters in any county, the ~~((board of county commissioners))~~ county legislative authority may by resolution call a special election, and at the request of petitioners for the formation of such district contained in the petition shall do so and shall provide for holding the same at the earliest practicable time. If the boundaries of the proposed district embrace an area less than the entire county, such election shall be confined to the area so included. The notice of such election shall state the boundaries of the proposed district and the object of such election; in other respects, such election shall be held and called in the same manner as provided by law for the holding and calling of general elections: PROVIDED, That notice thereof shall be given for not less than ten days nor more than thirty days prior to such special election. In submitting the said proposition to the voters for their approval or rejection, such proposition shall be expressed on the ballots in substantially the following terms:

- Public Utility District No. YES
- Public Utility District No. NO

At the same special election on the proposition to form a public utility district, there shall also be an election for three public utility district commissioners: PROVIDED, That the election of such commissioners shall be null and void if the proposition to form the public utility district does not receive approval by a majority of the voters voting on the proposition. Nomination for and election of public utility district commissioners shall conform with the provisions of RCW 54.12.010 as now or hereafter amended, except for the day of such election and the term of office of the original commissioners. The commissioners first to be elected at such special election shall hold office from the first day of the month following the commissioners' election for the terms as specified in this section which terms shall be computed from the first day in January next following the election. If such special election was held in an even-numbered year, the commissioners residing in commissioner district number one shall hold office for the term of

six years, the commissioner residing in commissioner district number two shall hold office for the term of four years, and the commissioner residing in commissioner district number three shall hold office for the term of two years. If such special election was held in an odd-numbered year, the commissioner residing in commissioner district number one shall hold office for the term of five years, the commissioner residing in commissioner district number two shall hold office for the term of three years, and the commissioner residing in commissioner district number three shall hold office for the term of one year.

The term "general election" as used herein means biennial general elections at which state and county officers are elected.

Sec. 37. Section 4, chapter 1, Laws of 1931 as last amended by section 8, chapter 36, Laws of 1977 ex. sess. and RCW 54.12.010 are each amended to read as follows:

Within ten days after such election, the (~~election board of the~~) county canvassing board shall canvass the returns, and if at such election a majority of the voters voting upon such proposition shall vote in favor of the formation of such district, the (~~election~~) canvassing board shall so declare in its canvass of the returns of such election, and such public utility district shall then be and become a municipal corporation of the state of Washington, and the name of such public utility district shall be Public Utility District No. of County. The powers of the public utility district shall be exercised through a commission consisting of three members in three commissioner districts, and five members in five commissioner districts. When the public utility district is coextensive with the limits of such county, then, at the first election of commissioners and until any change shall have been made in the boundaries of public utility district commissioner districts, one public utility district commissioner shall be chosen from each of the three county commissioner districts of the county in which the public utility district is located if the county is not operating under a "Home Rule" charter. When the public utility district comprises only a portion of the county, with boundaries established in accordance with chapter 54.08 RCW, or when the public utility district is located in a county operating under a "Home Rule" charter, three public utility district commissioner districts, numbered consecutively, having approximately equal population and boundaries, following ward and precinct lines, as far as practicable, shall be described in the petition for the formation of the public utility district, which shall be subject to appropriate change by the county (~~commissioners~~) legislative authority if and when they change the boundaries of the proposed public utility district, and one commissioner shall be elected from each of said public utility district commissioner districts. In all five commissioner districts an additional commissioner at large shall be chosen from each of the two at large districts. No person shall be eligible to be elected to the office of public utility district commissioner for a particular

district commissioner district unless he is a registered voter of the public utility district commissioner district or at large district from which he is elected.

Except as otherwise provided, the term of office of each public utility district commissioner other than the commissioners at large shall be six years, and the term of each commissioner at large shall be four years. Each term shall be computed ~~((from the first day of December))~~ in accordance with section 1 of this act following the commissioner's election. One commissioner at large and one commissioner from a commissioner district shall be elected at each general election held in an even-numbered year for the term of four years and six years respectively. All candidates shall be voted upon by the entire public utility district.

When a public utility district is formed, three public utility district commissioners shall be elected at the same election at which the proposition is submitted to the voters as to whether such public utility district shall be formed. If the general election adopting the proposition to create the public utility district was held in an even-numbered year, the commissioner residing in commissioner district number one shall hold office for the term of six years; the commissioner residing in commissioner district number two shall hold office for the term of four years; and the commissioner residing in commissioner district number three shall hold office for the term of two years. If the general election adopting the proposition to create the public utility district was held in an odd-numbered year, the commissioner residing in commissioner district number one shall hold office for the term of five years, the commissioner in district two shall hold office for the term of three years, and the commissioner in district three shall hold office for the term of one year. The commissioners first to be elected as above provided shall hold office from the first day of the month following the commissioners' election and their respective terms of office shall be computed from the first day of January next following the election. ~~((Each term shall be computed from the first day of December following the commissioners' election:))~~

All public utility district commissioners shall hold office until their successors shall have been elected and have qualified and assume office in accordance with section 1 of this act. A filing for nomination for public utility district commissioner shall be accompanied by a petition signed by one hundred registered voters of the public utility district, which shall be certified by the county auditor to contain the required number of registered voters, and shall otherwise be filed in accord with the requirements of RCW 29.21.060. At the time of filing such nominating petition, the person so nominated shall execute and file a declaration of candidacy subject to the provisions of RCW 29.21.060, as now or hereafter amended. The petition and each page of the petition shall state whether the nomination is for a commissioner from a particular commissioner district or for a commissioner at large and shall state the districts; otherwise it shall be void. A vacancy in

the office of public utility district commissioner shall occur by death, resignation, removal, conviction of a felony, nonattendance at meetings of the public utility district commission for a period of sixty days unless excused by the public utility district commission, by any statutory disqualification, or by any permanent disability preventing the proper discharge of his duty. In the event of a vacancy in said office, such vacancy shall be filled at the next general election held in an even-numbered year, the vacancy in the interim to be filled by appointment by the remaining commissioners. If more than one vacancy exists at the same time in a three commissioner district, or more than two in a five commissioner district, a special election shall be called by the county ((election)) canvassing board upon the request of the remainder, or, that failing, by the county election board, such election to be held not more than forty days after the occurring of such vacancies.

A majority of the persons holding the office of public utility district commissioner at any time shall constitute a quorum of the commission for the transaction of business, and the concurrence of a majority of the persons holding such office at the time shall be necessary and shall be sufficient for the passage of any resolution, but no business shall be transacted, except in usual and ordinary course, unless there are in office at least a majority of the full number of commissioners fixed by law.

The boundaries of the public utility district commissioners' district may be changed only by the public utility district commission, and shall be examined every ten years to determine substantial equality of population, but said boundaries shall not be changed oftener than once in four years, and only when all members of the commission are present. The proposed change of the boundaries of the public utility district commissioners' district must be made by resolution and after public hearing. Notice of the time of a public hearing thereon shall be published for two weeks prior thereto. Upon a referendum petition signed by ten percent of the qualified voters of the public utility district being filed with the county auditor, the ((~~board of county commissioners~~)) county legislative authority shall submit such proposed change of boundaries to the voters of the public utility district for their approval or rejection. Such petition must be filed within ninety days after the adoption of resolution of the proposed action. The validity of said petition shall be governed by the provisions of chapter 54.08 RCW.

Sec. 38. Section 1, chapter 110, Laws of 1953 as last amended by section 17, chapter 200, Laws of 1963 and RCW 56.12.020 are each amended to read as follows:

At the election held to form or reorganize a district, there shall be elected three commissioners who shall assume office immediately when qualified in accordance with section 2 of this act to hold office for terms of two, four, and six years respectively, and until their successors are elected and qualified and assume office in accordance with section 1 of this act.

The term of each nominee shall be expressed on the ballot and shall be computed from ~~((the date of assuming office following))~~ the first day of January next following if the initial election of the sewer district commissioners was in a general district election as provided in RCW 29.13.020, or from the first day of January following the first general election for sewer districts after its creation if the initial election was on a date other than a general district election. Thereafter, every two years there shall be elected a commissioner for a term of six years and until his or her successor is elected and qualified, at ~~((an))~~ the general election held ~~((on the Tuesday following the first Monday in November))~~ in the odd-numbered years, as provided in RCW 29.13.020, and conducted by the county auditor and the returns shall be canvassed by the county canvassing board of election returns: PROVIDED, That each such commissioner shall assume office in accordance with section 1 of this act.

~~((All sewer district commissioners elected for a regular six year term on the second Tuesday of March, 1962, shall remain in office until their successors are elected and qualified at the general district election to be held on the Tuesday following the first Monday in November, 1969.~~

~~There shall be no general sewer district election held in the year 1964 and those sewer district commissioners whose terms would have expired in 1964, but for the provisions of this amendatory act, shall remain in office until their successors are elected and qualified at the general sewer district election to be held on the Tuesday following the first Monday in November, 1965.~~

~~There shall be no general sewer district election held in the year 1966 and those sewer district commissioners whose terms would have expired in 1966, but for the provisions of this amendatory act, shall remain in office until their successors are elected and qualified at the general sewer district election to be held on the Tuesday following the first Monday in November, 1967.)~~

Sec. 39. Section 4, chapter 18, Laws of 1959 and RCW 57.12.030 are each amended to read as follows:

~~((The officers of any city or town, or in any precinct in a water district where registration is required, having charge of the registration shall deliver the same to the water commissioners for the use of the election officers at any election held in a water district formed under and in accordance with the provisions of this act. And the registration of voters for election to be held in such water district shall be conducted by the city or town clerks and officers of registration of the city, town and territory embraced within said water district. And any elector who shall have registered in accordance with the laws of this state, entitling him to vote at a general or special election in the city, town or territory comprised within such water district, within time to constitute same a good registration for any general or special election of said water district, shall be entitled to vote thereat without further or other~~

~~registration. The city or town clerk or registration officer required to perform the duties enumerated under this act shall receive no additional compensation therefor:)~~

The general laws of the state of Washington governing the registration of voters for a general or a special city ~~((or town municipal))~~ election ~~(; when not inconsistent with the foregoing provision;)~~ shall govern the registration of voters for elections held under this chapter ~~((, and the registration books of the city, town and territory comprising said water district shall be the books used by said water district, and no separate registration books shall be kept or maintained by it))~~. The manner of holding any general or special election for said water district shall be in accordance with the laws of this state ~~((and the charter provisions of the cities or towns within said water district if any there be, and insofar as the same are not inconsistent with the provisions of this act))~~. All elections in a water district shall be conducted by the canvassing board of the county within which it is located. All expenses of elections for ((the formation of such)) a water district((s)) shall be paid ((by the county in which said election is held and such expenditure is hereby declared to be for a county purpose, and the money paid out for such purpose shall be repaid to such county by the water district if formed)) for out of the funds of such water district: PROVIDED, That if the voters fail to approve the formation of a water district, the county shall pay all expenses of the formation election.

Except as in this section otherwise provided, the term of office of each water district commissioner shall be six years, such term to be computed from the first day of ~~((December))~~ January following his election, and one such commissioner shall be elected at each biennial general election, as provided in RCW 29.13.020, for the term of six years and until his or her successor ~~((has been))~~ is elected and ~~((has))~~ qualified and assumes office in accordance with section 1 of this act. All candidates shall be voted upon by the entire water district.

In any water district hereafter formed, three water district commissioners shall be elected at the same election at which the proposition is submitted to the voters as to whether such water district shall be formed. The commissioner residing in commissioner district number one shall hold office for the term of six years; the commissioner residing in commissioner district number two shall hold office for the term of four years; and the commissioner residing in commissioner district number three shall hold office for the term of two years: PROVIDED, That the members of the first commission shall take office immediately upon their election and qualification. The terms of all commissioners first to be elected as above provided shall also include the time intervening between the date that the results of their election are declared in the canvass of returns thereof((, and the date from which the length of their terms is computed as above specified)) and the

first day of January following the next general district election as provided in RCW 29.13.020.

~~((No election of commissioners in any water district, except to fill vacancies, shall be held until the biennial general election on the first Tuesday following the first Monday in November, 1946, at which time and thereafter such elections shall be held as herein provided. At said general election, there shall be elected two water district commissioners in each water district, one for a term of four years commencing December 1, 1946, in such commissioner district where the water district commissioner resides whose successor, but for the provisions of chapter 50, Laws of 1945, would be elected on the second Saturday in December, 1945, and one for a term commencing on the second Monday in December, 1946, and expiring December 1, 1952, in such commissioner district where the water commissioner resides whose successor, but for the provisions of chapter 50, Laws of 1945, would be elected on the second Saturday in December, 1946, and at the general election to be held on the first Tuesday following the first Monday in November, 1948, there shall be elected one water district commissioner for a term of six years commencing December 1, 1948, in such commissioner district of each such water district where the commissioner resides whose successor, but for the provisions of chapter 50, Laws of 1945, would be elected on the second Saturday in December, 1947.~~

~~All commissioners shall hold office until their successors shall have been elected and have qualified.))~~

Sec. 40. Section 14, chapter 6, Laws of 1947 and RCW 68.16.140 are each amended to read as follows:

The affairs of the district shall be managed by a board of cemetery district commissioners composed of three qualified electors of the district. Members of the board shall receive no compensation for their services, but shall receive expenses necessarily incurred in attending meetings of the board or when otherwise engaged in district business. The board shall fix the compensation to be paid the secretary and other employees of the district. The first three cemetery district commissioners shall serve only until the first day in January following the next general election, provided such election occurs thirty or more days after the formation of the district, and until their successors have been elected and qualified and have assumed office in accordance with section 1 of this act. At the next general district election, as provided in RCW 29.13.020, provided it occurs thirty or more days after the formation of the district, three members of the board of cemetery commissioners shall be chosen. They shall have the same qualifications as required of the first three cemetery commissioners. The candidate receiving the highest number of votes shall serve for a term of six years beginning on the ((second Monday)) first day in January following; the candidate receiving the next higher number of votes shall serve for a term of four years from said date; and the candidate receiving the next higher

number of votes shall serve for a term of two years from said date. Upon the expiration of their respective terms, ~~((successors))~~ all cemetery commissioners shall be ((chosen)) elected for terms of six years to begin on the ~~((second Monday))~~ first day in January next succeeding the day of election ~~((Such commissioners))~~ and shall serve until their successors have been elected and qualified and assume office in accordance with section 1 of this act. Elections shall be called, noticed, conducted and canvassed by the same officials as provided for general county elections. The polling places for a cemetery district election shall be those of the county voting precincts which include any of the territory within the cemetery district, and may be located outside the boundaries of the district, and no such election shall be held irregular or void on that account.

Sec. 41. Section 5, chapter 264, Laws of 1945 as last amended by section 1, chapter 11, Laws of 1957 and RCW 70.44.040 are each amended to read as follows:

The provisions of Title 54 RCW relating to elections and procedure of the commission ~~((, except vacancies occurring therein;))~~ and boundaries and consolidation of public utility districts shall govern public hospital districts, except that: (1) Vacancies in hospital commissions shall be governed by chapter 70.44 RCW as now or hereafter amended; (2) elections in hospital districts shall be in odd-numbered years as provided in RCW 29.13.020; (3) the total vote cast upon the proposition to form ((the)) a hospital district shall exceed forty percent of the total number of votes cast in the precincts comprising the proposed district((s)) at the ((next)) preceding general and county election((, and except that)); and (4) hospital district commissioners shall hold office for the term of six years and until their successors are elected and qualified, each term to commence on the ((second Monday)) first day in January ((in each year)) following the election. At the election at which the proposition is submitted to the voters as to whether a district shall be formed, three commissioners shall be elected to hold office, respectively, for the terms of two, four, and six years. All candidates shall be voted upon by the entire district, and the candidate residing in commissioner district No. 1 receiving the highest number of votes in the hospital district shall hold office for the term of six years; the candidate residing in commissioner district No. 2 receiving the highest number of votes in the hospital district shall hold office for the term of four years; and the candidate residing in commissioner district No. 3 receiving the highest number of votes in the hospital district shall hold office for the term of two years. The first commissioners to be elected shall take office immediately when qualified in accordance with section 2 of this act. Each term of the initial commissioners shall date from the time above specified following the organizational election, but shall also include the period intervening between the organizational election and the ((beginning of the regular terms specified in this section)) first day of January following the next district general election:

PROVIDED, That in public hospital districts encompassing portions of more than one county, the total vote cast upon the proposition to form the district shall exceed forty percent of the total number of votes cast in each portion of each county lying within the proposed district at the next preceding general county election. The portion of said proposed district located within each county shall constitute a separate commissioner district. There shall be three district commissioners whose terms shall be six years. Each district shall be designated by the name of the county in which it is located. All candidates for commissioners shall be voted upon by the entire district. Not more than one commissioner shall reside in any one district: PROVIDED FURTHER, That in the event there are only two districts then two commissioners may reside in one district. The term of each commissioner shall commence on the ((second Monday)) first day in January in each year following his election. At the election at which the proposition is submitted to the voters as to whether a district shall be formed, three commissioners shall be elected to hold office, respectively, for the terms of two, four, and six years. The candidate receiving the highest number of votes within the district, as constituted by said election, shall serve a term of six years; the candidate receiving the next highest number of votes shall hold office for a term of four years; and the candidate receiving the next highest number of votes shall hold office for a term of two years: PROVIDED FURTHER, That the holding of each such term of office shall be subject to the residential requirements for district commissioners hereinbefore set forth in this section.

NEW SECTION. Sec. 42. There is added to chapter 42.17 RCW a new section to read as follows:

Notwithstanding the provisions of RCW 42.17.240, any local elected official whose term of office expires immediately after December 31st shall file the written sworn statement required to be filed by that section for the year which ended on that December 31st.

NEW SECTION. Sec. 43. The following acts or parts of acts are each repealed:

- (1) Section 34, chapter 43, Laws of 1975 and RCW 28A.57.329; and
- (2) Section 3, chapter 113, Laws of 1925 ex. sess. and RCW 53.12.240.

Passed the House April 23, 1979.

Passed the Senate April 6, 1979.

Approved by the Governor May 4, 1979.

Filed in Office of Secretary of State May 4, 1979.

CHAPTER 127

[House Bill No. 330]

GAME DEPARTMENT—LICENSE DOCUMENTS—UNLAWFUL POSSESSION,
PURCHASE—PENALTY

AN ACT Relating to the department of game; adding a new section to chapter 77.32 RCW; and prescribing penalties.

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

NEW SECTION. Section 1. There is added to chapter 77.32 RCW a new section to read as follows:

(1) It is unlawful to purchase, obtain, or possess or attempt to purchase or obtain a hunting, fishing, or trapping license, permit, tag, or other document issued by or under the authority of the department of game:

(a) By using false information; or

(b) After a notification by the department or a court of the revocation or forfeiture of an existing license, permit, tag, or other document: **PROVIDED**, That a person may purchase a license, permit, tag or other document that is not authorized by the same section of Title 77 RCW as the revoked document; or

(c) In excess of one license, permit, tag, or other document per license year except as authorized by statute or game commission regulation: **PROVIDED**, That a duplicate document may be acquired upon the filing of a notarized affidavit showing loss or destruction of the document.

(2) A person violating this section is guilty of a gross misdemeanor and upon conviction shall be punished by a fine of not less than two hundred fifty dollars and not more than one thousand dollars or by imprisonment in the county jail for not less than thirty days and not more than one year, or by both such fine and imprisonment.

Passed the House April 23, 1979.

Passed the Senate April 6, 1979.

Approved by the Governor May 4, 1979.

Filed in Office of Secretary of State May 4, 1979.

CHAPTER 128

[House Bill No. 338]

MARRIAGE—LEGAL REQUIREMENTS

AN ACT Relating to marriage; and amending section 1, chapter 107, Laws of 1953 as amended by section 3, chapter 230, Laws of 1963 and RCW 26.04.180; amending section 13 and 14, page 83, Laws of 1866 as last amended by section 29, chapter 154, Laws of 1973 1st ex. sess. and RCW 26.04.210; amending section 419, chapter 249, Laws of 1909 and RCW 26.04.250; repealing section 1, chapter 174, Laws of 1909, section 1, chapter 16, Laws of 1909 ex. sess., section 1, chapter 149, Laws of 1959, section 27, chapter 154, Laws of 1973 1st ex. sess. and RCW 26.04.030; and repealing section 2, chapter 174,

Laws of 1909, section 2, chapter 16, Laws of 1909 ex. sess., section 2, chapter 149, Laws of 1959, section 28, chapter 154, Laws of 1973, 1st ex. sess. and RCW 26.04.040.

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

Section 1. Section 1, chapter 107, Laws of 1953 as amended by section 3, chapter 230, Laws of 1963 and RCW 26.04.180 are each amended to read as follows:

The county auditor shall issue no license until the third full day following the filing of the application, exclusive of the date of filing. A marriage license issued pursuant to the provisions of this chapter shall become void if the marriage is not solemnized within ~~((thirty))~~ sixty days of the date of the issuance of the license, and the county auditor shall notify the applicant in writing of this requirement at the time of issuance of the license.

Sec. 2. Sections 13 and 14, page 83, Laws of 1866 as last amended by section 29, chapter 154, Laws of 1973, 1st ex. sess. and RCW 26.04.210 are each amended to read as follows:

The county auditor, before a marriage license is issued, upon the payment of a license fee as fixed in RCW 36.18.010 shall require each applicant therefor to make and file in his office upon blanks to be provided by the county for that purpose, an affidavit showing that ~~((such applicant is not feeble minded, an imbecile, insane, a common drunkard, or afflicted with pulmonary tuberculosis in its advanced stages. PROVIDED, That in addition, the affidavits of both applicants they are for such marriage license shall show that))~~ they are not afflicted with any contagious venereal disease. He shall also require an affidavit of some disinterested credible person showing that neither of said persons is an habitual criminal, and that the applicants are the age of eighteen years or over: PROVIDED, FURTHER, That if the consent in writing is obtained of the father, mother, or legal guardian of the person for whom the license is required, the license may be granted in cases where the female has attained the age of seventeen years or the male has attained the age of seventeen years. Such affidavit may be subscribed and sworn to before any person authorized to administer oaths. Anyone knowingly swearing falsely to any of the statements contained in the affidavits mentioned in this section shall be deemed guilty of perjury and punished as provided by the laws of the state of Washington.

Sec. 3. Section 419, chapter 249, Laws of 1909 and RCW 26.04.250 are each amended to read as follows:

Every person who shall solemnize a marriage when either party thereto is known to him to be under the age of legal consent ~~((or to be an idiot, insane person, habitual criminal or common drunkard;))~~ or a marriage to which, within his knowledge, any legal impediment exists, shall be guilty of a gross misdemeanor.

NEW SECTION. Sec. 4. The following acts or parts of acts are each repealed:

(1) Section 1, chapter 174, Laws of 1909, section 1, chapter 16, Laws of 1909 ex. sess., section 1, chapter 149, Laws of 1959, section 27, chapter 154, Laws of 1973 1st ex. sess. and RCW 26.04.030; and

(2) Section 2, chapter 174, Laws of 1909, section 2, chapter 16, Laws of 1909 ex. sess., section 2, chapter 149, Laws of 1959, section 28, chapter 154, Laws of 1973 1st ex. sess. and RCW 26.04.040.

Passed the House April 23, 1979.

Passed the Senate April 11, 1979.

Approved by the Governor May 4, 1979.

Filed in Office of Secretary of State May 4, 1979.

CHAPTER 129

[House Bill No. 424]

JUSTICE COURTS—SERVICES FURNISHED TO CITIES—FILING FEE—
ARBITRATION

AN ACT Relating to justice courts; and amending section 111, chapter 299, Laws of 1961 as amended by section 2, chapter 10, Laws of 1973 1st ex. sess. and RCW 3.62.070.

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

Section 1. Section 111, chapter 299, Laws of 1961 as amended by section 2, chapter 10, Laws of 1973 1st ex. sess. and RCW 3.62.070 are each amended to read as follows:

Except in traffic cases wherein bail is forfeited to a violations bureau, and except in cases filed in municipal departments established pursuant to chapter 3.46 RCW and except in cases where a city has contracted with another city for such services pursuant to chapter 39.34 RCW, in every criminal action filed by a city for an ordinance violation, the city shall be charged a ((four dollar)) filing fee determined pursuant to an agreement as provided for in chapter 39.34 RCW, the interlocal cooperation act, between the city and the county providing the court service. In such criminal actions the cost of providing services necessary for the preparation and presentation of a defense at public expense are not within the ((four dollar)) filing fee and shall be paid by the city. In all other criminal actions, no filing fee shall be assessed or collected: PROVIDED, That in such cases, for the purposes of RCW 3.62.010, four dollars or the agreed filing fee of each fine or penalty, whichever is greater, shall be deemed filing costs. In the event no agreement is reached between a municipal corporation and the county providing the court service within ninety days of the effective date of this 1979 act, the municipal corporation and the county shall be deemed to have entered into an agreement to submit the issue to arbitration pursuant to chapter 7.04 RCW, and the municipal corporation and the county shall be entitled to the same rights and subject to the same duties as other parties who have agreed to submit to arbitration pursuant to chapter 7.04 RCW. In

the event that such issue is submitted to arbitration, the arbitrator or arbitrators shall only consider those additional costs borne by the county in providing justice court services for such city.

Passed the House April 23, 1979.

Passed the Senate April 11, 1979.

Approved by the Governor May 4, 1979.

Filed in Office of Secretary of State May 4, 1979.

CHAPTER 130

[Substitute House Bill No. 459]

INSURANCE COMMISSIONER—RETENTION OF RECORDS—REFUND OF TAXES, FEES—LICENSE RENEWAL—SUBSIDIARY OWNERSHIP—POLICY COUNTERSIGNATURE

AN ACT Relating to insurance; amending section .02.12, chapter 79, Laws of 1947 and RCW 48.02.120; amending section .14.07, chapter 79, Laws of 1947 and RCW 48.14.070; amending section .15.07, chapter 79, Laws of 1947 as last amended by section 2, chapter 182, Laws of 1977 ex. sess. and RCW 48.15.070; and amending section .13.21, chapter 79, Laws of 1947 and RCW 48.13.210; repealing section .05.23, chapter 79, Laws of 1947, section 2, chapter 70, Laws of 1965 ex. sess. and RCW 48.05.230; and repealing section .05.24, chapter 79, Laws of 1947, section 2, chapter 194, Laws of 1961 and RCW 48.05.240.

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

Section 1. Section .02.12, chapter 79, Laws of 1947 and RCW 48.02-.120 are each amended to read as follows:

(1) The commissioner shall preserve in permanent form records of his proceedings, hearings, investigations, and examinations, and shall file such records in his office.

(2) The records of the commissioner and insurance filings in his office shall be open to public inspection, except as otherwise provided by this code.

~~((3) Five years after conclusion of transactions to which they relate, the commissioner may destroy any correspondence, claim files, working papers of examinations of insurers, reports of examination of insurers by insurance supervisory officials of other states, void or obsolete filings relating to rates, license applications, cards, and records, expired bonds, records of hearings, investigations, and any similar records, documents, or memoranda now or hereafter in his possession.~~

~~(4) Ten years after the year to which they relate, the commissioner may destroy any foreign or alien insurer's annual statements, valuation reports, tax reports, or similar records or reports now or hereafter in his possession.~~

~~(5) The commissioner shall concurrently execute and file in a separate, permanent office file a certificate listing and giving a summary description of the records, files, documents, memoranda, as they are destroyed.))~~

Sec. 2. Section .14.07, chapter 79, Laws of 1947 and RCW 48.14.070 are each amended to read as follows:

In event any person has paid to the commissioner any tax, license fee or other charge in error or in excess of that which he is lawfully obligated to pay, the commissioner shall upon written request made to him (~~((within six years of the date of such payment;))~~) make a refund thereof. A person may only request a refund of taxes within six years from the date the taxes were paid. A person may only request a refund of fees or charges other than taxes within thirteen months of the date the fees or charges were paid. Refunds may be made either by crediting the amount toward payment of charges due or to become due from such person, or by making a cash refund. To facilitate such cash refunds the commissioner may establish a revolving fund out of funds appropriated by the legislature for his use.

Sec. 3. Section .15.07, chapter 79, Laws of 1947 as last amended by section 2, chapter 182, Laws of 1977 ex. sess. and RCW 48.15.070 are each amended to read as follows:

Any person deemed by the commissioner to be competent and trustworthy and while maintaining an office at a designated location in this state may be licensed as a surplus line broker, as follows:

(1) Application to the commissioner for the license shall be made on forms furnished by the commissioner.

(2) The license fee shall be one hundred dollars for each license year during any part of which the license is in force. (~~((The license year shall be from the date of issuance of the license))~~) The annual renewal date shall be determined by the commissioner. The commissioner shall adopt a rule providing for the proration, on a quarterly basis, of the license fee. The proration shall be applicable only: (a) To applicants who apply for a license after the expiration of the first quarter of any license year, or (b) to licensees whose licenses would exist for less than nine months as a result of the adoption of the annual renewal date.

(3) Prior to issuance of license the applicant shall file with the commissioner and thereafter for as long as the license remains in effect he shall keep in force a bond in favor of the state of Washington in the penal sum of twenty thousand dollars, with authorized corporate sureties approved by the commissioner, conditioned that he will conduct business under the license in accordance with the provisions of this chapter and that he will promptly remit the taxes provided by RCW 48.15.120. No such bond shall be terminated unless not less than thirty days prior written notice thereof is filed with the commissioner.

Sec. 4. Section .13.21, chapter 79, Laws of 1947 and RCW 48.13.210 are each amended to read as follows:

(1) An insurer other than a life insurer may invest a portion of its surplus funds in an aggregate amount not exceeding fifty percent of its surplus over its capital stock and other liabilities, or thirty-five percent of its capital funds, whichever is greater, in the stocks of other insurers organized and

existing under the laws of states of the United States. Indirect or proportionate interests in insurance stocks held by an insurer through any intermediate subsidiary or subsidiaries shall be included in applying the limitations provided in subsections (1), (2), and (3) of this section.

(2) A life insurer may invest in such insurance stocks in an aggregate amount not exceeding the smaller of the following amounts: Five percent of its assets; or twenty-five percent of its surplus over its capital stock and other liabilities, or of surplus over its required minimum surplus if a mutual life insurer.

(3) An insurer shall not purchase or hold as an investment more than five percent of the voting stock of any one other insurer, and subject further to the investment limits of RCW 48.13.030. This limitation shall not apply if such other insurer is the subsidiary of, and substantially all its shares having voting powers are owned by, ~~((an))~~ the insurer ~~((other than a life insurer))~~.

(4) No such insurance stock shall be eligible as an investment unless it meets the qualifications for stocks of other corporations as set forth in RCW 48.13.220.

(5) The limitations on investment in insurance stocks set forth in this chapter shall not apply to stocks acquired under a plan for merger of the insurers which has been approved by the commissioner or to shares received as stock dividends upon shares already owned.

NEW SECTION. Sec. 5. The following acts or parts of acts are each repealed:

(1) Section .05.23, chapter 79, Laws of 1947, section 2, chapter 70, Laws of 1965 ex. sess. and RCW 48.05.230; and

(2) Section .05.24, chapter 79, Laws of 1947, section 2, chapter 194, Laws of 1961 and RCW 48.05.240.

Passed the House April 23, 1979.

Passed the Senate April 11, 1979.

Approved by the Governor May 4, 1979.

Filed in Office of Secretary of State May 4, 1979.

CHAPTER 131

[Substitute House Bill No. 504]

STATE PARKS—PASS PRIVILEGES—DISABLED—VETERANS, SERVICE CONNECTED DISABILITY

AN ACT Relating to the parks and recreation commission; and amending section 1, chapter 330, Laws of 1977 ex. sess. and RCW 43.51.055.

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

Section 1. Section 1, chapter 330, Laws of 1977 ex. sess. and RCW 43-51.055 are each amended to read as follows:

(1) The commission shall grant to any person who meets the eligibility requirements specified in this section a senior citizen's pass which shall (a) entitle such person, and members of his camping unit, to a fifty percent reduction in the campsite rental fee prescribed by the commission, and (b) entitle such person to free admission to any state park.

(2) The commission shall grant a senior citizen's pass to any person who applies for the same and who meets the following requirements:

(a) The person is at least sixty-two years of age; and

(b) The person is a domiciliary of the state of Washington and meets reasonable residency requirements prescribed by the commission; and

(c) The person and his or her spouse have a combined income which would qualify the person for a property tax exemption pursuant to RCW 84.36.381, as now law or hereafter amended. The financial eligibility requirements of this subparagraph (c) shall apply regardless of whether the applicant for a senior citizen's pass owns taxable property or has obtained or applied for such property tax exemption.

(3) Each senior citizen's pass granted pursuant to this section shall, unless renewed, expire on January 1 of the next year following the year in which it was issued. Any application for renewal of a senior citizen's pass shall, for purposes of the financial eligibility requirements of this section, be treated as an original application.

(4) Any resident of Washington who is disabled as defined by the social security administration and who receives social security benefits for that disability, or any other benefits for that disability from any other governmental or nongovernmental source, or who is entitled to benefits for permanent disability under RCW 71.20.015 and 72.33.020 due to unemployability full time at the minimum wage or who is legally blind or profoundly deaf shall be entitled to receive, regardless of age and upon making application therefor, a disability pass at no cost to the holder. The pass shall (a) entitle such person, and members of his camping unit, to a fifty percent reduction in the campsite rental fee prescribed by the commission, and (b) entitle such person to free admission to any state park.

(5) Any resident of Washington who is a veteran, is at least sixty-two years of age and has a service-connected disability of at least thirty percent, shall be entitled to receive a lifetime veteran's disability pass at no cost to the holder. The pass shall (a) entitle such person, and members of his camping unit, to free use of any campsite within any state park, and (b) entitle such person to free admission to any state park.

(6) All passes issued pursuant to this section shall be valid at all parks any time during the year: PROVIDED, That the pass shall not be valid for admission to concessionaire operated facilities.

~~((6))~~ (7) This section shall not affect or otherwise impair the power of the commission to continue or discontinue any other programs it has adopted for senior citizens.

~~((7))~~ (8) The commission shall adopt such rules and regulations as it finds appropriate for the administration of this section. Among other things, such rules and regulations shall prescribe a definition of "camping unit" which will authorize a reasonable number of persons traveling with the person having a senior citizen's pass to stay at the campsite rented by such person, a minimum Washington residency requirement for applicants for a senior citizen's pass and an application form to be completed by applicants for a senior citizen's pass.

Passed the House April 23, 1979.

Passed the Senate April 18, 1979.

Approved by the Governor May 4, 1979.

Filed in Office of Secretary of State May 4, 1979.

CHAPTER 132

[Substitute House Bill No. 697]

REPLEVIN—SHOW CAUSE HEARING—POSSESSION OF PROPERTY

AN ACT Relating to replevin; amending section 100, page 150, Laws of 1854 as last amended by section 142, Code of 1881 and RCW 7.64.010; amending section 101, page 150, Laws of 1854 as last amended by section 143, Code of 1881 and RCW 7.64.020; amending section 104, page 151, Laws of 1854 as last amended by section 146, Code of 1881 and RCW 7.64.050; amending section 109, page 151, Laws of 1854 as last amended by section 151, Code of 1881 and RCW 7.64.100; adding new sections to chapter 7.64 RCW; adding a new section to chapter 12.28 RCW; repealing section 102, page 150, Laws of 1854, section 142, page 35, Laws of 1869, section 144, page 30, Laws of 1877, section 144, Code of 1881 and RCW 7.64.030; repealing section 103, page 150, Laws of 1854, section 143, page 36, Laws of 1869, section 145, page 30, Laws of 1877, section 145, Code of 1881, section 15, chapter 51, Laws of 1957 and RCW 7.64.040; repealing section 109, page 242, Laws of 1854, section 108, page 356, Laws of 1873, section 1809, Code of 1881 and RCW 12.28.010; repealing section 110, page 242, Laws of 1854, section 109, page 356, Laws of 1873, section 1810, Code of 1881 and RCW 12.28.020; repealing section 111, page 243, Laws of 1854, section 110, page 356, Laws of 1873, section 1811, Code of 1881 and RCW 12.28.030; repealing section 112, page 243, Laws of 1854, section 111, page 356, Laws of 1873, section 1812, Code of 1881 and RCW 12.28.040; repealing section 113, page 243, Laws of 1854, section 112, page 357, Laws of 1873, section 1813, Code of 1881 and RCW 12.28.050; repealing section 114, page 243, Laws of 1854, section 113, page 357, Laws of 1873, section 1814, Code of 1881 and RCW 12.28.060; repealing section 115, page 244, Laws of 1854, section 114, page 357, Laws of 1873, section 1815, Code of 1881 and RCW 12.28.070; repealing section 116, page 244, Laws of 1854, section 115, page 358, Laws of 1873, section 1816, Code of 1881 and RCW 12.28.080; repealing section 117, page 244, Laws of 1854, section 116, page 358, Laws of 1873, section 1817, Code of 1881 and RCW 12.28.090; repealing section 118, page 244, Laws of 1854, section 117, page 358, Laws of 1873, section 1818, Code of 1881 and RCW 12.28.100; repealing section 119, page 244, Laws of 1854, section 118, page 359, Laws of 1873, section 1819, Code of 1881 and RCW 12.28.110; and prescribing penalties.

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

Section 1. Section 100, page 150, Laws of 1854 as last amended by section 142, Code of 1881 and RCW 7.64.010 are each amended to read as follows:

The plaintiff in an action to recover the possession of personal property may(~~(; at the time of issuing the summons, or at any time before answer,)~~)

claim and obtain the immediate delivery of such property, after a hearing, as ~~((herein))~~ provided in this chapter.

Sec. 2. Section 101, page 150, Laws of 1854 as last amended by section 143, Code of 1881 and RCW 7.64.020 are each amended to read as follows:

When a delivery is claimed, an affidavit shall be made by the plaintiff, or by someone in his behalf, showing:

(1) That the plaintiff is the owner of the property claimed, (particularly describing it,) or is lawfully entitled to the possession thereof, by virtue of a special property therein including a security interest, the facts in respect to which shall be set forth.

(2) That the property is wrongfully detained by defendant.

(3) That the same has not been taken for a tax, assessment, or fine pursuant to a statute, or seized under an execution or attachment against the property of the plaintiff; or if so seized, that it is by law exempt from such seizure. And,

(4) The actual value of the property.

At the time of filing the complaint or any time thereafter, the plaintiff may petition the judge or court commissioner to issue an order directing the defendant to appear and show cause why an order putting plaintiff in possession of the personal property should not be issued. The hearing shall be set no earlier than ten and no later than twenty-five days from the date of the order. The order shall contain the date, time, and place of the hearing. A certified copy of the order to show cause shall be served upon the defendant no later than five days before the hearing date, and a copy of the affidavit of the plaintiff shall be attached to the certified copy of the order to show cause.

Sec. 3. Section 104, page 151, Laws of 1854 as last amended by section 146, Code of 1881 and RCW 7.64.050 are each amended to read as follows:

At the hearing on the order to show cause or at any time before the delivery of the property to the plaintiff, the defendant may(~~(, if he do not except to the sureties of the plaintiff,)~~) require the return thereof, upon giving to the sheriff or filing with the court a bond executed by one or more sufficient sureties to the effect that they are bound in ~~((double))~~ an amount equal to the value of the (~~(property, as stated in the affidavit of the plaintiff, for the delivery thereof to the plaintiff, if such delivery be adjudged, and for the payment to him of such sum as may, for any cause, be recovered against the defendant))~~ bond filed by the plaintiff. If a return of the property be not so required within three days after the taking and service of notice to the defendant, it shall be delivered to the plaintiff, except as provided in RCW 7.64.100.

Sec. 4. Section 109, page 151, Laws of 1854 as last amended by section 151, Code of 1881 and RCW 7.64.100 are each amended to read as follows:

If the property taken be claimed by any ~~((other))~~ person other than the defendant or his agent, and such person make affidavit of his title thereto, or his right to the possession thereof, stating the grounds of such title or right, and serve the same upon the sheriff before the delivery of the property to the plaintiff, the sheriff shall not be bound to keep the property or deliver it to the plaintiff, unless the plaintiff, on demand indemnify the sheriff against such claim by a bond, executed by ~~((two))~~ one or more sufficient sureties, ~~((accompanied by their affidavits that they are each worth double the value of the property, as specified in the affidavit of plaintiff, over and above their debts and liabilities, exclusive of property exempt from execution, and freeholders or householders of the county;))~~ and no claim to such property by any ~~((other))~~ person other than the defendant or his agent shall be valid against the sheriff, unless made as aforesaid; and notwithstanding such claim, when so made, he may retain the property a reasonable time to demand such indemnity.

NEW SECTION. Sec. 5. There is added to chapter 7.64 RCW a new section to read as follows:

The judge or court commissioner, at the hearing on the order to show cause, may issue an order awarding possession of the property to the plaintiff and directing the sheriff to put plaintiff in possession of the property if the plaintiff establishes his right to obtain possession of the property, pending final disposition, or if defendant, after being served with the order to show cause, fails to appear at the hearing. Before the order may issue prior to final judgment the plaintiff shall execute to defendant and file in the court a bond in such sum as the court may order, with sufficient surety to be approved by the clerk, conditioned that the plaintiff will prosecute his action without delay, and will pay all costs that may be adjudged to the defendant, and all damages, court costs, including reasonable attorneys' fees, and costs of recovery which he may sustain by reason of the order having been issued, should the same be wrongfully sued out.

If more than twenty days have elapsed since service of the summons and complaint, the judge or court commissioner may also enter a final judgment awarding plaintiff possession, damages, court costs, including reasonable attorneys' fees, and costs of recovery unless defendant raises an issue of fact prior to or at the hearing to show cause which requires a trial on the issue of possession or damages.

NEW SECTION. Sec. 6. There is added to chapter 7.64 RCW a new section to read as follows:

Upon issuance of the order for the recovery of property, the plaintiff shall provide the sheriff with all available information as to the location and identity of the defendant and the property claimed. The plaintiff shall deliver a certified copy of the order to show cause and the affidavit of the plaintiff to the sheriff. The sheriff shall leave a copy of the order, affidavit,

and bond with the defendant, his agent, his attorney, or the person in possession of the property when the property is taken by the sheriff.

If the property is returned to the plaintiff by the defendant or the plaintiff otherwise obtains possession of the property, the plaintiff shall notify the sheriff of this as soon as possible.

NEW SECTION. Sec. 7. There is added to chapter 7.64 RCW a new section to read as follows:

The remedies of the plaintiff under this chapter are in addition to any other remedy available to the plaintiff, including the right of repossession.

NEW SECTION. Sec. 8. There is added to chapter 12.28 RCW a new section to read as follows:

The plaintiff in an action to recover the possession of personal property may claim and obtain the immediate delivery of the property, after a hearing, as provided in chapter 7.64 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. The following acts or parts of acts are each repealed:

(1) Section 102, page 150, Laws of 1854, section 142, page 35, Laws of 1869, section 144, page 30, Laws of 1877, section 144, Code of 1881 and RCW 7.64.030;

(2) Section 103, page 150, Laws of 1854, section 143, page 36, Laws of 1869, section 145, page 30, Laws of 1877, section 145, Code of 1881, section 15, chapter 51, Laws of 1957 and RCW 7.64.040;

(3) Section 109, page 242, Laws of 1854, section 108, page 356, Laws of 1873, section 1809, Code of 1881 and RCW 12.28.010;

(4) Section 110, page 242, Laws of 1854, section 109, page 356, Laws of 1873, section 1810, Code of 1881 and RCW 12.28.020;

(5) Section 111, page 243, Laws of 1854, section 110, page 356, Laws of 1873, section 1811, Code of 1881 and RCW 12.28.030;

(6) Section 112, page 243, Laws of 1854, section 111, page 356, Laws of 1873, section 1812, Code of 1881 and RCW 12.28.040;

(7) Section 113, page 243, Laws of 1854, section 112, page 357, Laws of 1873, section 1813, Code of 1881 and RCW 12.28.050;

(8) Section 114, page 243, Laws of 1854, section 113, page 357, Laws of 1873, section 1814, Code of 1881 and RCW 12.28.060;

(9) Section 115, page 244, Laws of 1854, section 114, page 357, Laws of 1873, section 1815, Code of 1881 and RCW 12.28.070;

(10) Section 116, page 244, Laws of 1854, section 115, page 358, Laws of 1873, section 1816, Code of 1881 and RCW 12.28.080;

(11) Section 117, page 244, Laws of 1854, section 116, page 358, Laws of 1873, section 1817, Code of 1881 and RCW 12.28.090;

(12) Section 118, page 244, Laws of 1854, section 117, page 358, Laws of 1873, section 1818, Code of 1881 and RCW 12.28.100; and

(13) Section 119, page 244, Laws of 1854, section 118, page 359, Laws of 1873, section 1819, Code of 1881 and RCW 12.28.110.

Passed the House April 23, 1979.

Passed the Senate April 11, 1979.

Approved by the Governor May 4, 1979.

Filed in Office of Secretary of State May 4, 1979.

CHAPTER 133

[House Bill No. 33]

SECRETARY OF STATE—FEES FOR FURNISHING CERTIFICATES AND COPIES

AN ACT Relating to corporations; amending section 136, chapter 53, Laws of 1965 as amended by section 4, chapter 133, Laws of 1971 ex. sess. and RCW 23A.40.030; amending section 83, chapter 235, Laws of 1967 as amended by section 6, chapter 163, Laws of 1969 ex. sess. and RCW 24.03.410; and amending section 91, chapter 120, Laws of 1969 ex. sess. as amended by section 3, chapter 70, Laws of 1973 and RCW 24.06.455.

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

Section 1. Section 136, chapter 53, Laws of 1965 as amended by section 4, chapter 133, Laws of 1971 ex. sess. and RCW 23A.40.030 are each amended to read as follows:

The secretary of state shall charge and collect in advance from every person or domestic and foreign corporation, except corporations organized under the laws of this state for which existing law provides a different fee schedule:

(1) For furnishing a certified copy of any charter document~~((, instrument or paper))~~ relating to a corporation, five dollars;

(2) For furnishing a certified copy of any other document, instrument or paper relating to a corporation, two dollars for the certificate, plus ten cents for each page copied;

(3) For furnishing a certificate, under seal, attesting to the status of a corporation; or any other certificate, two dollars;

(4) For furnishing copies of any document, instrument or paper relating to a corporation, ten cents for each page copied;

(5) At the time of any service of process on him as agent of a corporation, five dollars, which amount may be recovered as taxable costs by the party to the suit or action causing such service to be made if such party prevails in the suit or action.

~~((The secretary of state shall also charge and collect from every person, organization, or group for furnishing copies of any document, instrument or~~

~~paper relating to a corporation, fifty cents each for the first ten pages, twenty-five cents per page thereafter.))~~

Sec. 2. Section 83, chapter 235, Laws of 1967 as amended by section 6, chapter 163, Laws of 1969 ex. sess. and RCW 24.03.410 are each amended to read as follows:

The secretary of state shall charge and collect in advance:

(1) For furnishing a certified copy of any charter document, ((instrument, or paper)) relating to a corporation, ((fifty cents per page and two dollars for the certificate and affixing the seal thereto)) five dollars.

(2) For furnishing a certified copy of any other document, instrument or paper relating to a corporation, two dollars for the certificate, plus ten cents for each page copied.

(3) For furnishing a certificate, under seal, attesting to the status of a corporation; or any other certificate, two dollars.

(4) For furnishing copies of any document, instrument or paper relating to a corporation, ten cents for each page copied.

(5) At the time of any service of process on him as registered agent of a corporation, ((two)) five dollars, which amount may be recovered as taxable costs by the party to the suit or action causing such service to be made if such party prevails in the suit or action.

Sec. 3. Section 91, chapter 120, Laws of 1969 ex. sess. as amended by section 3, chapter 70, Laws of 1973 and RCW 24.06.455 are each amended to read as follows:

The secretary of state shall charge and collect in advance:

(1) ~~((Fifty cents per page and two dollars for the certificate and affixing the seal thereto for furnishing a certified copy of any document, instrument, or paper relating to a corporation))~~ For furnishing a certified copy of any charter document of a corporation, five dollars.

(2) For furnishing a certified copy of any other document, instrument or paper relating to a corporation, two dollars for the certificate, plus ten cents for each page copied.

(3) For furnishing a certificate, under seal, attesting to the status of a corporation; or any other certificate, two dollars.

(4) For furnishing copies of any document, instrument or paper relating to a corporation, ten cents for each page copied.

(5) ~~((Five dollars))~~ At the time of any service of process on him as resident agent of any corporation, five dollars, which amount may be recovered as taxable costs by the party to the suit or action causing such service to be made if such party prevails in the suit or action.

Passed the House March 21, 1979.

Passed the Senate April 25, 1979.

Approved by the Governor May 7, 1979.

Filed in Office of Secretary of State May 7, 1979.

CHAPTER 134

[Substitute House Bill No. 79]

SCHOOLS, LIBRARIES—DISPOSAL OF READING MATERIALS

AN ACT Relating to the disposal of reading materials; amending section 28A.58.103, chapter 223, Laws of 1969 ex. sess. as last amended by section 109, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.58.103; and adding a new section to chapter 39.33 RCW.

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

NEW SECTION. Section 1. There is added to chapter 39.33 RCW a new section to read as follows:

Any school district or educational service district, after complying with the requirements of RCW 28A.02.110, and any library, as defined in RCW 27.12.010, may dispose of surplus or obsolete books, periodicals, newspapers, and other reading materials as follows:

(1) If the reading materials are estimated to have value as reading materials in excess of one thousand dollars, they shall be sold at public auction to the person submitting the highest reasonable bid following publication of notice of the auction in a newspaper with a general circulation in the library or school district.

(2) If no reasonable bids are submitted under subsection (1) of this section or if the reading materials are estimated to have value as reading materials of one thousand dollars or less, the library or school district may directly negotiate the sale of the reading materials to a public or private entity.

(3) If the reading materials are determined to have no value as reading materials or if no purchaser is found under subsection (2) of this section the reading materials may be recycled or destroyed.

These methods for disposing of surplus or obsolete reading materials shall be in addition to any other method available to libraries and school districts for disposal of the property.

Sec. 2. Section 28A.58.103, chapter 223, Laws of 1969 ex. sess. as last amended by section 109, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.58.103 are each amended to read as follows:

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

(1) Prepare, negotiate, set forth in writing and adopt, policy relative to the selection of instructional materials. Such policy shall:

(a) State the school district's goals and principles relative to instructional materials;

(b) Delegate responsibility for the preparation and recommendation of teachers' reading lists and specify the procedures to be followed in the selection of all instructional materials including text books;

(c) Establish an instructional materials committee to be appointed, with the approval of the school board, by the school district's chief administrative officer. This committee shall consist of representative members of the district's professional staff, including representation from the district's curriculum development committees, and, in the case of districts which operate elementary school(s) only, the educational service district superintendent, one of whose responsibilities shall be to assure the correlation of those elementary district adoptions with those of the high school district(s) which serve their children;

(d) Provide for terms of office for members of the instructional materials committee;

(e) Provide a system for receiving, considering and acting upon written complaints regarding instructional materials used by the school district;

(f) Provide free text books, supplies and other instructional materials to be loaned to the pupils of the school, when, in its judgment, the best interests of the district will be subserved thereby and prescribe rules and regulations to preserve such books, supplies and other instructional materials from unnecessary damage.

Recommendation of instructional materials shall be by the district's instructional materials committee in accordance with district policy. Approval shall be by the local school district's board of directors.

Districts may pay the necessary travel and subsistence expenses for expert counsel from outside the district. In addition, the committee's expenses incidental to visits to observe other districts' selection procedures may be reimbursed by the school district.

Districts may, within limitations stated in board policy, use and experiment with instructional materials for a period of time before general adoption is formalized.

Within the limitations of board policy, a school district's chief administrator may purchase instructional materials to meet deviant needs or rapidly changing circumstances.

(2) Establish a depreciation scale for determining the value of texts which students wish to purchase.

~~((Local boards of school directors may declare selected instructional materials obsolete and dispose of them by sale to the highest bidder, following public notice in a newspaper of general circulation in the area.))~~

Passed the House April 24, 1979.

Passed the Senate April 18, 1979.

Approved by the Governor May 7, 1979.

Filed in Office of Secretary of State May 7, 1979.

CHAPTER 135

[Substitute House Bill No. 99]

JURIES—SELECTION—COMPENSATION—SERVICE EXEMPTIONS—
CRIMINAL CASES, STATE CORRECTIONAL INSTITUTIONS, PAYMENT

AN ACT Relating to juries; amending section 3, chapter 57, Laws of 1911 as last amended by section 1, chapter 92, Laws of 1967 and RCW 2.36.060; amending section 2, chapter 57, Laws of 1911 as amended by section 1, chapter 39, Laws of 1967 and RCW 2.36.080; amending section 7, chapter 57, Laws of 1911 and RCW 2.36.100; amending section 10, page 74, Laws of 1866 as amended by section 2351, Code of 1881 and RCW 2.36.120; amending section 1, chapter 56, Laws of 1907 as last amended by section 1, chapter 76, Laws of 1975 1st ex. sess. and RCW 2.36.150; amending and reenacting section 35.20.090, chapter 7, Laws of 1965 as last amended by section 3, chapter 53, Laws of 1977 ex. sess. and by section 3, chapter 248, Laws of 1977 ex. sess. and RCW 35.20.090; amending section 72.23.050, chapter 28, Laws of 1959 and RCW 72.23.050; adding a new section to chapter 50.20 RCW; repealing section 218, page 53, Laws of 1869, section 218, page 45, Laws of 1877, section 214, Code of 1881 and RCW 4.44.200; repealing section 90, chapter 130, Laws of 1943 and RCW 38.40.090; and decodifying RCW 2.36.120 and recodifying it in chapter 38.40 RCW; amending section 72, page 235, Laws of 1854 as last amended by section 3, page 119, Laws of 1888 and RCW 12.12.050; and creating a new section.

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

Section 1. Section 3, chapter 57, Laws of 1911 as last amended by section 1, chapter 92, Laws of 1967 and RCW 2.36.060 are each amended to read as follows:

The judge or judges of the superior court of each county shall divide the county into not less than three jury districts, following the lines of voting precincts and arranging the districts in such manner that the population in each district shall be as nearly equal as may be, and the fixing of the boundaries of the district shall be evidenced by an order made by the court and entered upon its records.

~~((For the purposes of this section the clerk or comptroller of each incorporated city or town designated as registrar of voters by Title 29 RCW, except the registrars of voters in the city or town which is the county seat of any county;))~~ The county auditor shall prepare annually from the original registration files of voters of ~~((such city or town))~~ the county a list according to a procedure or formula established by the judge or judges of the superior court for the selection of prospective jurors from the original registration files of voters ~~((of the city or town which is the county seat of the county, and from the original registration files of rural precincts of voters))~~. The list shall be divided into the respective voting precincts and shall specify with respect to each name appearing on said list all the information upon the original registration card of each qualified voter ~~((and the said clerk or comptroller shall certify and file such list with the county auditor of his county on or before the first day of June of each year))~~.

During the month of July of each year, the judge or judges of the superior court for each county shall select by lot, in the manner hereinafter set

forth, from said lists and from the original registration files of voters of the ~~((city or town which is the county seat of the county, and from the original registration files of rural precincts of voters in the office of the county auditor of said))~~ county, and enter in a book kept for that purpose and shall certify and file with the county clerk a jury list containing the names of a sufficient number of qualified persons to serve as jurors until the first day of August of the next calendar year. The judge or judges may call (but are not required to call) one or more electors from each or any of the jury districts to advise in the selection. Each such elector shall receive for his services the sum of ~~((five))~~ ten dollars per day and the mileage allowed sheriffs, upon vouchers approved by the judge or presiding judge of the county. In making the selection of jurors the judge or judges shall be bound by the list of names filed with the county clerk as in this section provided. At any time and from time to time the judges may add to the jury list in the same manner, and when this is done a certified list of the names added shall be filed with the clerk.

The number of persons selected from the several jury districts shall be as nearly as possible in proportion to the number of names on the list certified and filed with the county clerk for the several districts. ~~((Any woman who upon being listed upon the list as in this section provided shall claim her exemption to serve as a juror, shall not be listed in the preparation of the list of jurors:))~~

The county clerk shall provide boxes sufficient in number to correspond with the number of jury districts fixed by the court, and numbered to correspond therewith, and having written the names appearing in the jury list for each district upon slips of paper, which shall be similar in size, quality of paper, and writing, shall deposit such slips in the jury box of the proper district. At the time of the drawing of names for any venire there must be in the jury boxes at least five times as many names as the number of names to be drawn.

The jury list shall be selected by the judge or judges in the following manner:

- (1) The selection of precincts from which names are to be selected shall be by lot;
- (2) The number of jurors selected from each precinct selected under subsection (1) shall, insofar as practicable, be equal;
- (3) The selection of prospective jurors within a given precinct shall be by selection of names in a given and identical numbered sequence based upon the number of jurors to be selected therefrom.

Sec. 2. Section 2, chapter 57, Laws of 1911, as amended by section 1, chapter 39, Laws of 1967 and RCW 2.36.080 are each amended to read as follows:

~~((Officers of the United States and of the state, attorneys at law, school teachers, practicing physicians, licensed embalmers, active members of the~~

~~fire and police departments of any municipality, and all persons over sixty years of age, shall not be compelled to serve as jurors, and in preparing jury lists, the names of such persons, other than persons over sixty years of age, shall, if it be known that they are entitled to be excused from jury service, be omitted from the jury list: PROVIDED, That the right of any such person to be excused from jury service shall not be cause for challenge as to his competency if he desires to serve.))~~ (1) It is the policy of this state that all persons selected for jury service be selected at random from a fair cross section of the population of the area served by the court, and that all qualified citizens have the opportunity in accordance with this 1979 act to be considered for jury service in this state and have an obligation to serve as jurors when summoned for that purpose.

(2) A citizen shall not be excluded from jury service in this state on account of race, color, religion, sex, national origin, or economic status.

(3) This section does not affect the right to peremptory challenges under RCW 4.44.130.

Sec. 3. Section 7, chapter 57, Laws of 1911 and RCW 2.36.100 are each amended to read as follows:

~~((A person summoned as a juror may be excused from acting as such on account of any of the reasons stated in RCW 2.36.080 hereof, when his own health requires, on account of death in his family, or of illness in his family of such character that he is required to be in attendance thereupon, or when his business interests would be seriously prejudiced by such service. No person, however, shall be excused from service as a juror on account of business reasons unless his service is such as would lead to the waste or destruction of his property; and unless it shall appear that after having been summoned as a juror he had made every reasonable effort to permit of his serving as a juror without causing waste or destruction of his property. When excused for any of the foregoing reasons, or for any reason deemed sufficient by the court, the name of the juror so excused shall remain upon the jury list from which jurors are drawn, and his name returned to the jury box from which it was drawn. Any person applying to be excused from jury service for any of the causes herein specified, may be placed upon oath or affirmation to testify truly in all respects as to the cause for such excuse, and that he will answer truly any question put to him by the judge with respect thereto.))~~ Except for a person who is not qualified for jury service under RCW 2.36.070, no person may be excused from jury service by the court except upon a showing of undue hardship, extreme inconvenience, public necessity, or any reason deemed sufficient by the court for a period of time the court deems necessary.

Sec. 4. Section 10, page 74, Laws of 1866 as amended by section 2351, Code of 1881 and RCW 2.36.120 are each amended to read as follows:

All operators, clerks and persons in the employ of any telegraph company, whilst employed in the offices of said company, or along the route of its

telegraph line, shall be exempt from militia duty (~~and from serving on juries~~), and from any fine or penalty for the neglect thereof.

Sec. 5. Section 72.23.050, chapter 28, Laws of 1959 and RCW 72.23-.050 are each amended to read as follows:

The superintendent shall not be required to attend any court as a witness in a civil or juvenile court proceedings, but parties desiring his testimony can take and use his deposition; nor shall he be required to attend as a witness in any criminal case, unless the court before which his testimony shall be desired shall, upon being satisfied of the materiality of his testimony require his attendance; (~~and he and all other persons employed at the hospital shall be exempt from serving on juries;~~) and, in time of peace, he and all other persons employed at the hospital shall be exempt from performing military duty; and the certificate of the superintendent shall be evidence of such employment.

NEW SECTION. Sec. 6. There is added to chapter 50.20 RCW a new section to read as follows:

No otherwise eligible individual shall be denied benefits for any week because he or she is serving as a prospective or impaneled juror in any court of this state. Compensation received for service as a juror shall not be considered wages subject to contributions under this title nor shall such compensation be considered in determining base-year wages, but it shall be considered remuneration for purposes of a deduction from benefits under RCW 50.20.130.

Sec. 7. Section 1, chapter 56, Laws of 1907 as last amended by section 1, chapter 76, Laws of 1975 1st ex. sess. and RCW 2.36.150 are each amended to read as follows:

Jurors shall receive for each day's attendance, besides mileage at (~~thirteen cents per mile each way~~) the rate determined under RCW 43.03.060, the following compensation:

(1) Grand jurors (~~shall~~) may receive (~~ten~~) up to twenty-five dollars but in no case less than ten dollars;

(2) Petit jurors (~~shall~~) may receive (~~ten~~) up to twenty-five dollars but in no case less than ten dollars;

(3) Coroner's jurors (~~shall~~) may receive (~~ten~~) up to twenty-five dollars but in no case less than ten dollars;

(4) Justice of the peace jurors (~~shall~~) may receive (~~ten~~) up to twenty-five dollars but in no case less than ten dollars;

PROVIDED, That a person excused from jury service at his own request shall be allowed not more than a per diem and such mileage, if any, as to the court shall seem just and equitable under all circumstances: PROVIDED FURTHER, That the state shall fully reimburse the county in which trial is held for all jury fees and witness fees related to criminal cases which

result from incidents occurring within an adult or juvenile correctional institution: PROVIDED FURTHER, That the compensation paid jurors shall be determined by the county legislative authority and shall be uniformly applied within the county.

Sec. 8. Section 35.20.090, chapter 7, Laws of 1965 as last amended by section 3, chapter 53, Laws of 1977 ex. sess. and by section 3, chapter 248, Laws of 1977 ex. sess. and RCW 35.20.090 are each amended and reenacted to read as follows:

In all civil cases and criminal cases where jurisdiction is concurrent with district courts as provided in RCW 35.20.250, within the jurisdiction of the municipal court, the plaintiff or defendant may demand a jury, which shall consist of six citizens of the state who shall be impaneled and sworn as in cases before district courts, or the trial may be by a judge of the municipal court. A defendant requesting a jury shall pay to the court a fee which shall be the same as that for a jury in justice court. Where there is more than one defendant in an action and one or more of them requests a jury, only one jury fee shall be collected by the court. Each juror (~~shall~~) may receive up to twenty-five dollars but in no case less than ten dollars for each day in attendance upon the municipal court, and in addition thereto shall receive mileage (~~as provided by law~~) at the rate determined under RCW 43.03-.060: PROVIDED, That the compensation paid jurors shall be determined by the legislative authority of the city and shall be uniformly applied. Trial by jury shall be allowed in criminal cases involving violations of city ordinances commencing January 1, 1972 unless such incorporated city affected by this chapter has made provision therefor prior to January 1, 1972.

NEW SECTION. Sec. 9. The following acts or parts of acts are each repealed:

(1) Section 218, page 53, Laws of 1869, section 218, page 45, Laws of 1877, section 214, Code of 1881 and RCW 4.44.200; and

(2) Section 90, chapter 130, Laws of 1943 and RCW 38.40.090.

NEW SECTION. Sec. 10. RCW 2.36.120 is decodified and is recodified in chapter 38.40 RCW.

Sec. 11. Section 72, page 235, Laws of 1854 as last amended by section 3, page 119, Laws of 1888 and RCW 12.12.050 are each amended to read as follows:

The justice shall write in a panel the names of eighteen persons, (~~citizens of the county~~) selected at random from persons registered as voters within the justice court district, from which the defendant, his agent, or attorney(-) must strike one name; the plaintiff, his agent, or attorney, one; and so on alternately until each party shall have stricken six names, and the remaining six names shall constitute the jury to try such case; and if either party neglect or refuse to aid in striking the jury as aforesaid, the justice shall strike the name in behalf of such party.

NEW SECTION. Sec. 12. 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 House April 25, 1979.

Passed the Senate April 11, 1979.

Approved by the Governor May 7, 1979.

Filed in Office of Secretary of State May 7, 1979.

CHAPTER 136

[House Bill No. 101]

TRAFFIC OFFENSES—DECRIMINALIZATION

AN ACT Relating to motor vehicle offenses; amending section 9, chapter 299, Laws of 1961 as amended by section 4, chapter 73, Laws of 1971 and RCW 3.30.090; amending section 32, chapter 299, Laws of 1961 and RCW 3.42.020; amending section 51, chapter 299, Laws of 1961 and RCW 3.50.020; amending section 52, chapter 299, Laws of 1961 and RCW 3.50.030; amending section 77, chapter 299, Laws of 1961 and RCW 3.50.280; amending section 112, chapter 299, Laws of 1961 and RCW 3.66.010; amending section 1, chapter 58, Laws of 1929 and RCW 12.36.010; amending section 28B.10.565, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.565; amending section 35.20.030, chapter 7, Laws of 1965 and RCW 35.20.030; reenacting and amending section 35.20.090, chapter 7, Laws of 1965 as last amended by section 3, chapter 53, Laws of 1977 ex. sess. and by section 3, chapter 248, Laws of 1977 ex. sess. and RCW 35.20.090; amending section 35.20.250, chapter 7, Laws of 1965 as amended by section 7, chapter 147, Laws of 1969 ex. sess. and RCW 35.20.250; amending section 35.22.510, chapter 7, Laws of 1965 and RCW 35.22.510; amending section 35.22.530, chapter 7, Laws of 1965 and RCW 35.22.530; amending section 35.23.440, chapter 7, Laws of 1965 as last amended by section 21, chapter 316, Laws of 1977 ex. sess. and RCW 35.23.440; amending section 35.24.460, chapter 7, Laws of 1965 as last amended by section 12, chapter 116, Laws of 1965 ex. sess. and RCW 35.24.460; amending section 35.24.470, chapter 7, Laws of 1965 as amended by section 13, chapter 116, Laws of 1965 ex. sess. and RCW 35.24.470; amending section 35.27.530, chapter 7, Laws of 1965 as amended by section 17, chapter 116, Laws of 1965 ex. sess. and RCW 35.27.530; amending section 35.27.540, chapter 7, Laws of 1965 as amended by section 18, chapter 116, Laws of 1965 ex. sess. and RCW 35.27.540; amending section 35A.20.040, chapter 119, Laws of 1967 ex. sess. and RCW 35A.20.040; amending section 35A.20.080, chapter 119, Laws of 1967 ex. sess. and RCW 35A.20.080; amending section 36.32.120, chapter 4, Laws of 1963 as last amended by section 1, chapter 216, Laws of 1975 1st ex. sess. and RCW 36.32.120; amending section 36.68.080, chapter 4, Laws of 1963 and RCW 36.68.080; amending section 36.69.180, chapter 4, Laws of 1963 and RCW 36.69.180; amending section 1, chapter 160, Laws of 1969 ex. sess. and RCW 43.30.310; amending section 44, chapter 170, Laws of 1965 ex. sess. as last amended by section 124, chapter 158, Laws of 1979 and RCW 46.01.230; amending section 46.08.170, chapter 12, Laws of 1961 as amended by section 2, chapter 158, Laws of 1963 and RCW 46.08.170; amending section 17, chapter 47, Laws of 1971 ex. sess. as last amended by section 10, chapter 220, Laws of 1977 ex. sess. and RCW 46.09.120; amending section 24, chapter 47, Laws of 1971 ex. sess. as last amended by section 16, chapter 220, Laws of 1977 ex. sess. and RCW 46.09.190; amending section 9, chapter 29, Laws of 1971 ex. sess. as amended by section 5, chapter 181, Laws of 1975 1st ex. sess. and RCW 46.10.090; amending section 19, chapter 29, Laws of 1971 ex. sess. as amended by section 6, chapter 181, Laws of 1975 1st ex. sess. and RCW 46.10.190; amending section 46.16.090, chapter 12, Laws of 1961 as last amended by section 1, chapter 25, Laws of 1977 and RCW 46.16.090; amending section 46.16.135, chapter 12, Laws of 1961 as last amended by section 1, chapter 134, Laws of 1979 and RCW 46.16.135; amending section 46.16.140, chapter 12, Laws of 1961 and RCW 46.16.140;

amending section 46.16.145, chapter 12, Laws of 1961 as amended by section 5, chapter 64, Laws of 1975-'76 2nd ex. sess. and RCW 46.16.145; amending section 46.16.350, chapter 12, Laws of 1961 as amended by section 24, chapter 32, Laws of 1967 and RCW 46.16.350; amending section 1, chapter 128, Laws of 1961 as last amended by section 1, chapter 102, Laws of 1975-'76 2nd ex. sess. and RCW 46.16.380; amending section 7, chapter 200, Laws of 1973 1st ex. sess. as amended by section 4, chapter 59, Laws of 1975 and RCW 46.16.585; amending section 9, chapter 200, Laws of 1973 1st ex. sess. as amended by section 6, chapter 59, Laws of 1975 and RCW 46.16.595; amending section 2, chapter 121, Laws of 1965 ex. sess. and RCW 46.20.021; amending section 5, chapter 121, Laws of 1965 ex. sess. as amended by section 2, chapter 61, Laws of 1979 and RCW 46.20.041; amending section 19, chapter 121, Laws of 1965 ex. sess. and RCW 46.20.171; amending section 46.20.190, chapter 12, Laws of 1961 as amended by section 15, chapter 121, Laws of 1965 ex. sess. and RCW 46.20.190; amending section 21, chapter 121, Laws of 1965 ex. sess. and RCW 46.20.215; amending section 46.20.270, chapter 12, Laws of 1961 as last amended by section 7, chapter 61, Laws of 1979 and RCW 46.20.270; amending section 1, chapter 1, Laws of 1969 as last amended by section 151, chapter 158, Laws of 1979 and RCW 46.20.308; amending section 27, chapter 121, Laws of 1965 ex. sess. as last amended by section 1, chapter 36, Laws of 1973 1st ex. sess. and RCW 46.20.311; amending section 36, chapter 121, Laws of 1965 ex. sess. as amended by section 1, chapter 29, Laws of 1972 ex. sess. and RCW 46.20.329; amending section 2, chapter 27, Laws of 1969 and RCW 46.20.342; amending section 5, chapter 169, Laws of 1963 as last amended by section 1, chapter 40, Laws of 1969 ex. sess. and RCW 46.29.050; amending section 28, chapter 169, Laws of 1963 and RCW 46.29.280; amending section 30, chapter 169, Laws of 1963 as amended by section 39, chapter 32, Laws of 1967 and RCW 46.29.300; amending section 60, chapter 169, Laws of 1963 and RCW 46.29.600; amending section 46.32.010, chapter 12, Laws of 1961 as last amended by section 156, chapter 158, Laws of 1979 and RCW 46.32.010; amending section 46.32.050, chapter 12, Laws of 1961 and RCW 46.32.050; amending section 46.37.010, chapter 12, Laws of 1961 as last amended by section 1, chapter 355, Laws of 1977 ex. sess. and RCW 46.37.010; amending section 46.37.188, chapter 12, Laws of 1961 and RCW 46.37.188; amending section 1, chapter 77, Laws of 1971 and RCW 46.37.423; amending section 2, chapter 77, Laws of 1971 as amended by section 36, chapter 355, Laws of 1977 ex. sess. and RCW 46.37.424; amending section 3, chapter 77, Laws of 1971 as amended by section 37, chapter 355, Laws of 1977 ex. sess. and RCW 46.37.425; amending section 46.44.047, chapter 12, Laws of 1961 as last amended by section 11, chapter 64, Laws of 1975-'76 2nd ex. sess. and RCW 46.44.047; amending section 23, chapter 64, Laws of 1975-'76 2nd ex. sess. and RCW 46.44.105; amending section 1, chapter 1, Laws of 1973 1st ex. sess. as last amended by section 20, chapter 64, Laws of 1975-'76 2nd ex. sess. and RCW 46.44.130; amending section 2, chapter 1, Laws of 1973 1st ex. sess. and RCW 46.44.140; amending section 4, chapter 22, Laws of 1977 ex. sess. and RCW 46.44.175; amending section 46.52.010, chapter 12, Laws of 1961 and RCW 46.52.010; amending section 1, chapter 18, Laws of 1975-'76 2nd ex. sess. and RCW 46.52.020; amending section 46.52.100, chapter 12, Laws of 1961 as last amended by section 163, chapter 158, Laws of 1979 and RCW 46.52.100; amending section 46.52.110, chapter 12, Laws of 1961 as last amended by section 166, chapter 158, Laws of 1979 and RCW 46.52.110; amending section 46.52.120, chapter 12, Laws of 1961 as last amended by section 1, chapter 356, Laws of 1977 ex. sess. and RCW 46.52.120; amending section 27, chapter 21, Laws of 1961 ex. sess. as last amended by section 2, chapter 356, Laws of 1977 ex. sess. and RCW 46.52.130; amending section 59, chapter 155, Laws of 1965 ex. sess. as amended by section 67, chapter 32, Laws of 1967 and RCW 46.61.500; amending section 46.56.030, chapter 12, Laws of 1961 as amended by section 69, chapter 32, Laws of 1967 and RCW 46.61.525; amending section 46.48.050, chapter 12, Laws of 1961 and RCW 46.61.530; amending section 46.48.060, chapter 12, Laws of 1961 and RCW 46.61.535; amending section 46.56.100, chapter 12, Laws of 1961 and RCW 46.61.665; amending section 1, chapter 151, Laws of 1961 and RCW 46.61.680; amending section 1, chapter 259, Laws of 1961 and RCW 46.61.690; amending section 79, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.750; amending section 46.64.050, chapter 12, Laws of 1961 as amended by section 3, chapter 95, Laws of 1975-'76 2nd ex. sess. and RCW 46.64.050; amending section 4, chapter 284, Laws of 1971 ex. sess. as amended by section 1, chapter 62, Laws of 1979 and RCW 46.65.020; amending section 5, chapter 284, Laws of 1971 ex. sess. as amended by section 2, chapter 62, Laws of 1979 and RCW 46.65.030; amending section 46.76.080,

chapter 12, Laws of 1961 and RCW 46.76.080; amending section 2, chapter 9, Laws of 1970 ex. sess. as amended by section 1, chapter 26, Laws of 1971 ex. sess. and RCW 46.81.030; amending section 46.83.060, chapter 12, Laws of 1961 and RCW 46.83.060; amending section 25, chapter 106, Laws of 1963 and RCW 46.85.250; amending section 54, chapter 54, Laws of 1975 1st ex. sess. and RCW 46.90.345; amending section 102, chapter 54, Laws of 1975 1st ex. sess. and RCW 46.90.560; amending section 31, chapter 145, Laws of 1967 ex. sess. and RCW 47.38.030; amending section 1, chapter 38, Laws of 1961 and RCW 53.08.220; amending section 32, chapter 302, Laws of 1971 ex. sess. and RCW 70.108.130; amending section 4, chapter 67, Laws of 1921 as amended by section 3, chapter 143, Laws of 1923 and RCW 76.04.480; amending section 81.68.080, chapter 14, Laws of 1961 and RCW 81.68.080; amending section 18, chapter 150, Laws of 1965 and RCW 81.70.170; adding new sections to chapter 46.61 RCW; adding a new chapter to Title 46 RCW; repealing section 2, chapter 155, Laws of 1965 ex. sess., section 1, chapter 95, Laws of 1975-'76 2nd ex. sess. and RCW 46.61.010; prescribing penalties; and prescribing an effective date.

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

NEW SECTION. Section 1. It is the legislative intent in the adoption of this chapter in decriminalizing certain traffic offenses to promote the public safety and welfare on public highways and to facilitate the implementation of a uniform and expeditious system for the disposition of traffic infractions.

NEW SECTION. Sec. 2. Failure to perform any act required or the performance of any act prohibited by this title or an equivalent administrative regulation or local law, ordinance, regulation, or resolution relating to traffic including parking, standing, stopping, and pedestrian offenses, is designated as a traffic infraction and may not be classified as a criminal offense, except for an offense contained in the following provisions of this title or a violation of an equivalent administrative regulation or local law, ordinance, regulation, or resolution:

- (1) RCW 46.09.120(2) relating to the operation of a nonhighway vehicle while under the influence of intoxicating liquor or a controlled substance;
- (2) RCW 46.09.130 relating to operation of nonhighway vehicles;
- (3) RCW 46.10.090(2) relating to the operation of a snowmobile while under the influence of intoxicating liquor or narcotics or habit-forming drugs or in a manner endangering the person of another;
- (4) RCW 46.10.130 relating to the operation of snowmobiles;
- (5) Chapter 46.12 RCW relating to certificates of ownership and registration;
- (6) RCW 46.20.021 relating to driving without a valid driver's license;
- (7) RCW 46.20.336 relating to the unlawful possession and use of a driver's license;
- (8) RCW 46.20.342 relating to driving with a suspended or revoked license;
- (9) RCW 46.20.410 relating to the violation of restrictions of an occupational driver's license;

- (10) RCW 46.20.420 relating to the operation of a motor vehicle with a suspended or revoked license;
- (11) Chapter 46.29 RCW relating to financial responsibility;
- (12) RCW 46.48.175 relating to the transportation of dangerous articles;
- (13) RCW 46.52.010 relating to duty on striking an unattended car or other property;
- (14) RCW 46.52.020 relating to duty in case of injury to or death of a person or damage to an attended vehicle;
- (15) RCW 46.52.090 relating to reports by repairmen, storagemen, and appraisers;
- (16) RCW 46.52.100 relating to driving under the influence of liquor or drugs;
- (17) RCW 46.52.130 relating to confidentiality of the driving record to be furnished to an insurance company and an employer;
- (18) RCW 46.61.015 relating to obedience to police officers, flagmen, or firefighters;
- (19) RCW 46.61.020 relating to refusal to give information to or cooperate with an officer;
- (20) Section 5 of this 1979 act relating to failure to stop and give identification to an officer;
- (21) RCW 46.61.500 relating to reckless driving;
- (22) RCW 46.61.506 and 46.61.515 relating to persons under the influence of intoxicating liquor or drugs;
- (23) RCW 46.61.520 relating to negligent homicide by motor vehicle;
- (24) RCW 46.61.525 relating to negligent driving;
- (25) RCW 46.61.530 relating to racing of vehicles on highways;
- (26) RCW 46.61.685 relating to leaving children in an unattended vehicle with the motor running;
- (27) RCW 46.64.020 relating to nonappearance after a written promise;
- (28) RCW 46.64.048 relating to attempting, aiding, abetting, coercing, and committing crimes;
- (29) Chapter 46.65 RCW relating to habitual traffic offenders;
- (30) Chapter 46.70 RCW relating to unfair motor vehicle business practices, except where that chapter provides for the assessment of monetary penalties of a civil nature;
- (31) Chapter 46.72 RCW relating to the transportation of passengers in for hire vehicles;
- (32) Chapter 46.80 RCW relating to motor vehicle wreckers;
- (33) Chapter 46.83 RCW relating to driver's training schools.

NEW SECTION. Sec. 3. (1) A law enforcement officer has the authority to issue a notice of traffic infraction when the infraction is committed in

the officer's presence or when the notice of traffic infraction is issued pursuant to RCW 46.64.017, pertaining to investigation at the scene of a motor vehicle accident.

(2) A court may issue a notice of traffic infraction upon receipt of a written statement of the officer that there is reasonable cause to believe that an infraction was committed.

NEW SECTION. Sec. 4. There is added to chapter 46.61 RCW a new section to read as follows:

(1) Any person requested or signaled to stop by a law enforcement officer for a traffic infraction has a duty to stop.

(2) Whenever any person is stopped for a traffic infraction, the officer may detain that person for a reasonable period of time necessary to identify the person, check the status of the person's license and the vehicle's registration, and complete and issue a notice of traffic infraction.

(3) Any person requested to identify himself to a law enforcement officer pursuant to an investigation of a traffic infraction has a duty to identify himself, give his current address, and sign an acknowledgement of receipt of the notice of infraction.

NEW SECTION. Sec. 5. There is added to chapter 46.61 RCW a new section to read as follows:

Any person who wilfully fails to stop when requested or signaled to do so by a person reasonably identifiable as a law enforcement officer or to comply with section 4(3) of this 1979 act, is guilty of a misdemeanor.

NEW SECTION. Sec. 6. (1) All violations of state law, local law, ordinance, regulation, or resolution designated as traffic infractions in section 2 of this 1979 act may be heard and determined by a district court, except as otherwise provided in this section.

(2) Any municipal or police court has the authority to hear and determine traffic infractions pursuant to this chapter.

(3) Any city or town with a municipal or police court may contract with the county to have traffic infractions committed within the city or town adjudicated by a district court.

(4) District court commissioners have the authority to hear and determine traffic infractions pursuant to this chapter.

NEW SECTION. Sec. 7. All judges and court commissioners adjudicating traffic infractions shall complete such training requirements as are promulgated by the supreme court.

NEW SECTION. Sec. 8. (1) A notice of traffic infraction represents a determination that an infraction has been committed. The determination will be final unless contested as provided in this chapter.

(2) The form for the notice of traffic infraction shall be prescribed by rule of the supreme court and shall include the following:

(a) A statement that the notice represents a determination that a traffic infraction has been committed by the person named in the notice and that the determination shall be final unless contested as provided in this chapter;

(b) A statement that a traffic infraction is a noncriminal offense for which imprisonment may not be imposed as a sanction; that the penalty for a traffic infraction may include sanctions against the person's driver's license including suspension, revocation, or denial;

(c) A statement of the specific traffic infraction for which the notice was issued;

(d) A statement of the monetary penalty established for the traffic infraction;

(e) A statement of the options provided in this chapter for responding to the notice and the procedures necessary to exercise these options;

(f) A statement that at any hearing to contest the determination the state has the burden of proving, by a preponderance of the evidence, that the infraction was committed; and that the person may subpoena witnesses including the officer who issued the notice of infraction;

(g) A statement that at any hearing requested for the purpose of explaining mitigating circumstances surrounding the commission of the infraction the person will be deemed to have committed the infraction and may not subpoena witnesses;

(h) A statement that the person must respond to the notice as provided in this chapter within seven days or the person's driver's license will not be renewed by the department until any penalties imposed pursuant to this chapter have been satisfied;

(i) A statement that failure to appear at a hearing requested for the purpose of contesting the determination or for the purpose of explaining mitigating circumstances will result in the refusal of the department to renew the person's driver's license until any penalties imposed pursuant to this chapter have been satisfied.

NEW SECTION. Sec. 9. (1) Any person who receives a notice of traffic infraction shall respond to such notice as provided in this section within seven days of the date of the notice.

(2) If the person determined to have committed the infraction does not contest the determination the person shall respond by completing the appropriate portion of the notice of infraction and submitting it, either by mail or in person, to the court specified on the notice. A check or money order in the amount of the penalty prescribed for the infraction must be submitted with the response. When a response which does not contest the determination is received, an appropriate order shall be entered in the court's records, and a record of the response and order shall be furnished to the department in accordance with RCW 46.20.270.

(3)(a) If the person determined to have committed the infraction wishes to contest the determination the person shall respond by completing the

portion of the notice of infraction requesting a hearing and submitting it, either by mail or in person, to the court specified on the notice. The court shall notify the person in writing of the time, place, and date of the hearing, and that date shall not be sooner than seven days from the date of the notice, except by agreement.

(b) If any person who has requested a hearing to contest the determination that an infraction has been committed fails to appear without good cause at the time and place set for the hearing the department may not renew the person's driver's license until any penalties imposed pursuant to this chapter have been satisfied.

(4)(a) If the person determined to have committed the infraction does not contest the determination but wishes to explain mitigating circumstances surrounding the infraction the person shall respond by completing the portion of the notice of infraction requesting a hearing for that purpose and submitting it, either by mail or in person, to the court specified on the notice. The court shall notify the person in writing of the time, place, and date of the hearing.

(b) If any person who has requested a hearing to explain mitigating circumstances fails to appear without good cause at the time and place set for the hearing, the department may not renew the person's driver's license until any penalties imposed pursuant to this chapter have been satisfied.

(5) If any person issued a notice of traffic infraction fails to respond as provided in this section the department may not renew that person's driver's license until any penalties imposed pursuant to this chapter have been satisfied.

NEW SECTION. Sec. 10. (1) Procedures for the conduct of all hearings provided for in this chapter may be established by rule of the supreme court.

(2) Any person subject to proceedings under this chapter may be represented by counsel.

(3) The attorney representing the state, county, city, or town may appear in any proceedings under this chapter.

NEW SECTION. Sec. 11. (1) A hearing held for the purpose of contesting the determination that an infraction has been committed shall be without a jury.

(2) The court may consider the notice of traffic infraction and any other written report made under oath submitted by the officer who issued the notice or whose written statement was the basis for the issuance of the notice in lieu of the officer's personal appearance at the hearing. The person named in the notice may subpoena witnesses, including the officer, and has the right to present evidence and examine witnesses present in court.

(3) The burden of proof is upon the state to establish the commission of the infraction by a preponderance of the evidence.

(4) After consideration of the evidence and argument the court shall determine whether the infraction was committed. Where it has not been established that the infraction was committed an order dismissing the notice shall be entered in the court's records. Where it has been established that the infraction was committed an appropriate order shall be entered in the court's records. A record of the court's determination and order shall be furnished to the department in accordance with RCW 46.20.270 as now or hereafter amended.

(5) An appeal from the court's determination or order shall be in the form of a trial de novo in superior court. The person has fourteen calendar days from the date of the court's determination in which to give notice of an appeal. The decision of the superior court is subject only to discretionary review pursuant to Rule 2.3 of the Rules of Appellate Procedure.

NEW SECTION. Sec. 12. (1) A hearing held for the purpose of allowing a person to explain mitigating circumstances surrounding the commission of an infraction shall be an informal proceeding. The person may not subpoena witnesses. The determination that an infraction has been committed may not be contested at a hearing held for the purpose of explaining mitigating circumstances.

(2) After the court has heard the explanation of the circumstances surrounding the commission of the infraction an appropriate order shall be entered in the court's records. A record of the court's determination and order shall be furnished to the department in accordance with RCW 46.20.270 as now or hereafter amended.

(3) There may be no appeal from the court's determination or order.

NEW SECTION. Sec. 13. (1) A person found to have committed a traffic infraction shall be assessed a monetary penalty. No penalty may exceed two hundred and fifty dollars for each offense unless authorized by this chapter or title.

(2) The supreme court may prescribe by rule a schedule of monetary penalties for designated traffic infractions.

(3) There shall be a penalty of twenty-five dollars for failure to respond to a notice of traffic infraction or failure to pay a monetary penalty imposed pursuant to this chapter.

(4) Monetary penalties provided for in chapter 46.70 RCW which are civil in nature and penalties which may be assessed for violations of chapter 46.44 RCW relating to size, weight, and load of motor vehicles are not subject to the limitation on the amount of monetary penalties which may be imposed pursuant to this chapter.

(5) Whenever a monetary penalty is imposed by a court under this chapter it is immediately payable. If the person is unable to pay at that time the court may, in its discretion, grant an extension of the period in which the penalty may be paid. If the penalty is not paid on or before the time established for payment the court shall notify the department of the

failure to pay the penalty, and the department may not renew the person's driver's license until the penalty has been paid and the penalty provided in subsection (2) of this section has been paid.

NEW SECTION. Sec. 14. (1) An order entered after the receipt of a response which does not contest the determination, or after it has been established at a hearing that the infraction was committed, or after a hearing for the purpose of explaining mitigating circumstances is civil in nature.

(2) The court may include in the order the imposition of any penalty authorized by the provisions of this chapter for the commission of an infraction. The court may, in its discretion, waive, reduce, or suspend the monetary penalty prescribed for the infraction. At the person's request the court may order performance of a number of hours of community service in lieu of a monetary penalty, at the rate of the then state minimum wage per hour.

Sec. 15. Section 9, chapter 299, Laws of 1961 as amended by section 4, chapter 73, Laws of 1971 and RCW 3.30.090 are each amended to read as follows:

A violations bureau may be established by any city or district court having jurisdiction of traffic cases to assist in processing traffic cases. As designated by written order of the court having jurisdiction of traffic cases, specific offenses under city ordinance, county resolution, or state law may be processed by such bureau. Such bureau may be authorized to receive the posting of bail for such specified offenses, and, as authorized by the court order, to accept forfeiture of bail and payment of monetary penalties. The court order shall specify the amount of bail to be posted and shall also specify the circumstances or conditions which will require an appearance before the court. Such bureau, upon accepting the prescribed bail, shall issue a receipt to the alleged violator, which receipt shall bear a legend informing him of the legal consequences of bail forfeiture. The bureau shall transfer daily to the clerk of the proper department of the court all bail posted for offenses where forfeiture is not authorized by the court order, as well as copies of all receipts. All forfeitures or penalties paid to a violations bureau for violations of municipal ordinances shall be placed in the city general fund or such other fund as may be prescribed by ordinance. All forfeitures or penalties paid to a violations bureau for violations of state laws or county resolutions shall be remitted at least monthly to the county treasurer for deposit in the current expense fund. Employees of violations bureaus of a city shall be city employees under any applicable municipal civil service system.

Sec. 16. Section 32, chapter 299, Laws of 1961 and RCW 3.42.020 are each amended to read as follows:

Each justice court commissioner shall have such power, authority, and jurisdiction in criminal matters as the justices of the peace who appointed

him possess and shall prescribe. Justice court commissioners shall not have power to hear and determine civil matters other than traffic infractions.

Sec. 17. Section 51, chapter 299, Laws of 1961 and RCW 3.50.020 are each amended to read as follows:

The municipal court shall have exclusive original criminal jurisdiction of all violations of city ordinances duly adopted by the city in which the municipal court is located and shall have original jurisdiction of all other actions brought to enforce or recover license penalties or forfeitures declared or given by such ordinances or by state statutes. The municipal court is empowered to forfeit cash bail or bail bonds and issue execution thereon; to hear and determine all causes, civil or criminal, including traffic infractions, arising under such ordinances and to pronounce judgment in accordance therewith.

Sec. 18. Section 52, chapter 299, Laws of 1961 and RCW 3.50.030 are each amended to read as follows:

Every city or town may establish and operate under the supervision of the municipal court a violations bureau to assist the court in processing traffic cases. Each municipal court shall designate the specific traffic offenses under the city or town ordinance which may be processed by the violations bureau. A violations bureau may be authorized to receive the posting of bail for specified offenses and, to the extent authorized by court order, permitted to accept forfeiture of bail and payment of penalties. Any violations bureau, upon accepting the prescribed bail, shall issue a receipt therefor to the alleged violator, acknowledging the posting thereof and informing the accused of the legal consequences of bail forfeiture. Any person charged with any criminal traffic offense within the authority of the violations bureau may, upon signing a written appearance, a written plea of guilty and a written waiver of trial, pay to the violations bureau the fine established for the offense charged and costs and this shall have the same effect as a court conviction. All penalties and forfeitures paid to a violations bureau for the violation of municipal ordinance shall be placed in the city or town general fund or such other fund as may be prescribed by ordinance of the city or town or laws of the state of Washington. Any employees of an existing violations bureau of any city shall continue as a city employee.

Sec. 19. Section 77, chapter 299, Laws of 1961 and RCW 3.50.280 are each amended to read as follows:

In all trials for offenses in municipal court, a jury trial shall be allowed only in criminal offenses involving the revocation or suspension of a driver's license or other gross misdemeanor. No change of venue shall be taken from the municipal court, and the defendant shall not be entitled to file an affidavit of prejudice against any judge of the municipal court.

Sec. 20. Section 112, chapter 299, Laws of 1961 and RCW 3.66.010 are each amended to read as follows:

The justices of the peace elected in accordance with chapters 3.30 through 3.74 RCW are authorized to hold court as judges of the justice court for the trial of all actions enumerated in chapters 3.30 through 3.74 RCW or assigned to the justice court by law; to hear, try, and determine the same according to the law, and for that purpose where no special provision is otherwise made by law, such court shall be vested with all the necessary powers which are possessed by courts of record in this state; and all laws of a general nature shall apply to such justice court as far as the same may be applicable and not inconsistent with the provisions of chapters 3.30 through 3.74 RCW. The justice court shall, upon the demand of either party, impanel a jury to try any civil or criminal case in accordance with the provisions of chapter 12.12 RCW: PROVIDED, That in the trial of actions brought for violating any city ordinance, a jury trial shall be allowed only for criminal offenses involving the revocation or suspension of a driver's license or other gross misdemeanor: PROVIDED FURTHER, That no jury trial may be held in a proceeding involving a traffic infraction.

Sec. 21. Section 1, chapter 58, Laws of 1929 and RCW 12.36.010 are each amended to read as follows:

Any person considering himself aggrieved by the judgment or decision of a justice of the peace in a civil action may, in person or by his agent or attorney, appeal therefrom to the superior court of the county where the judgment was rendered or decision made: PROVIDED, There shall be no appeal allowed unless the amount in controversy, exclusive of costs, shall exceed the sum of twenty dollars: PROVIDED FURTHER, That an appeal from the court's determination or order on a traffic infraction proceeding may be taken only in accordance with section 11(5) of this 1979 act.

Sec. 22. Section 28B.10.565, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.565 are each amended to read as follows:

Any person violating a rule or regulation promulgated in conformity with the provisions of RCW 28B.10.560, shall be guilty of a misdemeanor, and the courts of justice of the peace in the county in which the offense is committed shall have jurisdiction over such offense: PROVIDED, That violation of a rule or regulation relating to traffic including parking, standing, stopping, and pedestrian offenses is a traffic infraction, except that violation of a rule or regulation equivalent to those provisions of Title 46 RCW set forth in section 2 of this 1979 act remains a misdemeanor.

Sec. 23. Section 35.20.030, chapter 7, Laws of 1965 and RCW 35.20.030 are each amended to read as follows:

The municipal court shall have exclusive original jurisdiction to try violations of all city ordinances and all other actions brought to enforce or recover license penalties or forfeitures declared or given by any such ordinances. It is empowered to forfeit cash bail or bail bonds and issue execution thereon, to hear and determine all causes, civil or criminal, arising

under such ordinances, and to pronounce judgment in accordance therewith: PROVIDED, That for a violation of the criminal provisions of an ordinance no greater punishment shall be imposed than a fine of five hundred dollars or imprisonment in the city jail not to exceed six months, or both such fine and imprisonment. All civil and criminal proceedings in municipal court, and judgments rendered therein, shall be subject to review in the superior court by writ of review or on appeal: PROVIDED, That an appeal from the court's determination or order in a traffic infraction proceeding may be taken only in accordance with section 11(5) of this 1979 act. Costs in civil and criminal cases may be taxed as provided in justice of the peace courts.

Sec. 24. Section 35.20.090, chapter 7, Laws of 1965 as last amended by section 3, chapter 53, Laws of 1977 ex. sess. and by section 3, chapter 248, Laws of 1977 ex. sess. and RCW 35.20.090 are each reenacted and amended to read as follows:

In all civil cases and criminal cases where jurisdiction is concurrent with district courts as provided in RCW 35.20.250, within the jurisdiction of the municipal court, the plaintiff or defendant may demand a jury, which shall consist of six citizens of the state who shall be impaneled and sworn as in cases before district courts, or the trial may be by a judge of the municipal court: PROVIDED, That no jury trial may be held on a proceeding involving a traffic infraction. A defendant requesting a jury shall pay to the court a fee which shall be the same as that for a jury in justice court. Where there is more than one defendant in an action and one or more of them requests a jury, only one jury fee shall be collected by the court. Each juror shall receive five dollars for each day in attendance upon the municipal court, and in addition thereto shall receive mileage as provided by law. Trial by jury shall be allowed in criminal cases involving violations of city ordinances commencing January 1, 1972, unless such incorporated city affected by this chapter has made provision therefor prior to January 1, 1972.

Sec. 25. Section 35.20.250, chapter 7, Laws of 1965 as amended by section 7, chapter 147, Laws of 1969 ex. sess. and RCW 35.20.250 are each amended to read as follows:

The municipal court shall have concurrent jurisdiction with the superior court and justices of the peace in all civil and criminal matters as now provided by law for justices of the peace, and a judge thereof may sit in preliminary hearings as magistrate. Fines, penalties, and forfeitures before the court under the provisions of this section shall be paid to the county treasurer as provided for justices of the peace and commitments shall be to the county jail. Appeals from judgment or order of the court in such cases shall be governed by the law pertaining to appeals from judgments or orders of justices of the peace.

Sec. 26. Section 35.22.510, chapter 7, Laws of 1965 and RCW 35.22-.510 are each amended to read as follows:

In all civil and criminal cases arising from the violations of city ordinances tried by such police judge he shall charge up as costs in each case the same fees as are charged by justices of the peace for like services in every action, and all fees so charged and collected by, and all fines, penalties, and forfeitures paid to, such police judge shall belong to and be paid over by him weekly, to the city.

Sec. 27. Section 35.22.530, chapter 7, Laws of 1965 and RCW 35.22-.530 are each amended to read as follows:

All civil or criminal proceedings before such police judge and judgment rendered by him shall be subject to review in the superior court of the proper county by writ of review or appeal: PROVIDED, That an appeal from a court's determination or order in a traffic infraction proceeding may be taken only in accordance with section 11(5) of this 1979 act.

The appeal shall be to the superior court of the county in which the police court is located and shall be taken by orally giving notice thereof in open court at the time the judgment is rendered or by serving a copy of a written notice thereof upon the corporation counsel or city attorney and filing the original thereof with acknowledgment or affidavit of service with the police judge within ten days after the judgment was pronounced. After notice of appeal is given as herein required, appellant shall diligently prosecute his appeal and, within thirty days from the date of entry of judgment, shall file with the clerk of the superior court a transcript duly certified by the police judge, furnished by such police judge without charge, and containing a copy of all written pleadings and docket entries of the police court. Within ten days after the transcript is filed, appellant shall note the case for trial. The case shall be set for trial at the earliest open date thereafter and the clerk of the court shall, in writing, notify the corporation counsel or city attorney of the date thereof.

Sec. 28. Section 35.23.440, chapter 7, Laws of 1965 as last amended by section 21, chapter 316, Laws of 1977 ex. sess. and RCW 35.23.440 are each amended to read as follows:

The city council of each second class city shall have power and authority:

(1) Ordinances: To make and pass all ordinances, orders, and resolutions not repugnant to the Constitution of the United States or the state of Washington, or the provisions of this title, necessary for the municipal government and management of the affairs of the city, for the execution of the powers vested in said body corporate, and for the carrying into effect of the provisions of this title.

(2) License of shows: To fix and collect a license tax, for the purposes of revenue and regulation, on theatres, melodeons, balls, concerts, dances, theatrical, circus, or other performances, and all performances where an admission fee is charged, or which may be held in any house or place where

wines or liquors are sold to the participators; also all shows, billiard tables, pool tables, bowling alleys, exhibitions, or amusements.

(3) Hotels, etc., licenses: To fix and collect a license tax for the purposes of revenue and regulation on and to regulate all taverns, hotels, restaurants, banks, brokers, manufactories, livery stables, express companies and persons engaged in transmitting letters or packages, railroad, stage, and steamboat companies or owners, whose principal place of business is in such city, or who have an agency therein.

(4) Auctioneers' licenses: To license and regulate auctioneers for the purposes of revenue and regulation.

(5) Peddlers', etc., licenses: To license, for the purposes of revenue and regulation, tax, prohibit, suppress, and regulate all raffles, hawkers, peddlers, pawnbrokers, refreshment or coffee stands, booths, or sheds; and to regulate as authorized by state law all tipling houses, dram shops, saloons, bars, and barrooms.

(6) Dance houses: To prohibit or suppress, or to license and regulate all dance houses, fandango houses, or any exhibition or show of any animal or animals.

(7) License vehicles: To license for the purposes of revenue and regulation, and to tax hackney coaches, cabs, omnibuses, drays, market wagons, and all other vehicles used for hire, and to regulate their stands, and to fix the rates to be charged for the transportation of persons, baggage, and property.

(8) Hotel runners: To license or suppress runners for steamboats, taverns, or hotels.

(9) License generally: To fix and collect a license tax for the purposes of revenue and regulation, upon all occupations and trades, and all and every kind of business authorized by law not heretofore specified: PROVIDED, That on any business, trade, or calling not provided by law to be licensed for state and county purposes, the amount of license shall be fixed at the discretion of the city council, as they may deem the interests and good order of the city may require.

(10) Riots: To prevent and restrain any riot or riotous assemblages, disturbance of the peace, or disorderly conduct in any place, house, or street in the city.

(11) Nuisances: To declare what shall be deemed nuisances; to prevent, remove, and abate nuisances at the expense of the parties creating, causing, or committing or maintaining the same, and to levy a special assessment on the land or premises whereon the nuisance is situated to defray the cost or to reimburse the city for the cost of abating the same.

(12) Stock pound: To establish, maintain, and regulate a common pound for estrays, and to appoint a poundkeeper, who shall be paid out of the fines and fees imposed and collected of the owners of any animals impounded, and from no other source; to prevent and regulate the running at large of

any and all domestic animals within the city limits or any parts thereof, and to regulate or prevent the keeping of such animals within any part of the city.

(13) Control of certain trades: To control and regulate slaughterhouses, washhouses, laundries, tanneries, forges, and offensive trades, and to provide for their exclusion or removal from the city limits, or from any part thereof.

(14) Street cleaning: To provide, by regulation, for the prevention and summary removal of all filth and garbage in streets, sloughs, alleys, back yards, or public grounds of such city, or elsewhere therein.

(15) Gambling, etc.: To prohibit and suppress all gaming and all gambling or disorderly houses, and houses of ill fame, and all immoral and indecent amusements, exhibitions, and shows.

(16) Markets: To establish and regulate markets and market places.

(17) Speed of railroad cars: To fix and regulate the speed at which any railroad cars, streetcars, automobiles, or other vehicles may run within the city limits, or any portion thereof.

(18) City commons: To provide for and regulate the commons of the city.

(19) Fast driving: To regulate or prohibit fast driving or riding in any portion of the city.

(20) Combustibles: To regulate or prohibit the loading or storage of gunpowder and combustible or explosive materials in the city, or transporting the same through its streets or over its waters.

(21) Property: To have, purchase, hold, use, and enjoy property of every name or kind whatsoever, and to sell, lease, transfer, mortgage, convey, control, or improve the same; to build, erect, or construct houses, buildings, or structures of any kind needful for the use or purposes of such city.

(22) Fire department: To establish, continue, regulate, and maintain a fire department for such city, to change or reorganize the same, and to disband any company or companies of the said department; also, to discontinue and disband said fire department, and to create, organize, establish, and maintain a paid fire department for such city.

(23) Water supply: To adopt, enter into, and carry out means for securing a supply of water for the use of such city or its inhabitants, or for irrigation purposes therein.

(24) Overflow of water: To prevent the overflow of the city or to secure its drainage, and to assess the cost thereof to the property benefited.

(25) House numbers: To provide for the numbering of houses.

(26) Health board: To establish a board of health; to prevent the introduction and spread of disease; to establish a city infirmary and to provide for the indigent sick; and to provide and enforce regulations for the protection of health, cleanliness, peace, and good order of the city; to establish and maintain hospitals within or without the city limits; to control and regulate interments and to prohibit them within the city limits.

(27) Harbors and wharves: To build, alter, improve, keep in repair, and control the waterfront; to erect, regulate, and repair wharves, and to fix the rate of wharfage and transit of wharf, and levy dues upon vessels and commodities; and to provide for the regulation of berths, landing, stationing, and removing steamboats, sail vessels, rafts, barges, and all other watercraft; to fix the rate of speed at which steamboats and other steam watercraft may run along the waterfront of the city; to build bridges so as not to interfere with navigation; to provide for the removal of obstructions to the navigation of any channel or watercourses or channels.

(28) License of steamers: To license steamers, boats, and vessels used in any watercourse in the city, and to fix and collect a license tax thereon.

(29) Ferry licenses: To license ferries and toll bridges under the law regulating the granting of such license.

(30) Penalty for violation of ordinances: To determine and impose fines for forfeitures and penalties that shall be incurred for the breach or violation of any city ordinance, notwithstanding that the act constituting a violation of any such ordinance may also be punishable under the state laws, and also for a violation of the provisions of this chapter, when no penalty is affixed thereto or provided by law, and to appropriate all such fines, penalties, and forfeitures for the benefit of the city; but no penalty to be enforced shall exceed for any offense the amount of five hundred dollars or six months' imprisonment, or both; and every violation of any lawful order, regulation, or ordinance of the city council of such city is hereby declared a misdemeanor or public offense, and all prosecutions for the same may be in the name of the state of Washington: PROVIDED, That violation of an order, regulation, or ordinance relating to traffic including parking, standing, stopping, and pedestrian offenses is a traffic infraction, except that violation of an order, regulation, or ordinance equivalent to those provisions of Title 46 RCW set forth in section 2 of this 1979 act remains a misdemeanor.

(31) Police department: To create and establish a city police; to prescribe their duties and their compensation; and to provide for the regulation and government of the same.

(32) Elections: To provide for conducting elections and establishing election precincts when necessary, to be as near as may be in conformity with the state law.

(33) Examine official accounts: To examine, either in open session or by committee, the accounts or doings of all officers or other persons having the care, management, or disposition of moneys, property, or business of the city.

(34) Contracts: To make all appropriations, contracts, or agreements for the use or benefit of the city and in the city's name.

(35) Streets and sidewalks: To provide by ordinance for the opening, laying out, altering, extending, repairing, grading, paving, planking, graveling, macadamizing, or otherwise improving of public streets, avenues, and

other public ways, or any portion of any thereof; and for the construction, regulation, and repair of sidewalks and other street improvements, all at the expense of the property to be benefited thereby, without any recourse, in any event, upon the city for any portion of the expense of such work, or any delinquency of the property holders or owners, and to provide for the forced sale thereof for such purposes; to establish a uniform grade for streets, avenues, sidewalks, and squares, and to enforce the observance thereof.

(36) Waterways: To clear, cleanse, alter, straighten, widen, fill up, or close any waterway, drain, or sewer, or any watercourse in such city when not declared by law to be navigable, and to assess the expense thereof, in whole or in part, to the property specially benefited.

(37) Sewerage: To adopt, provide for, establish, and maintain a general system of sewerage, draining, or both, and the regulation thereof; to provide funds by local assessments on the property benefited for the purpose aforesaid and to determine the manner, terms, and place of connection with main or central lines of pipes, sewers, or drains established, and compel compliance with and conformity to such general system of sewerage or drainage, or both, and the regulations of said council thereto relating, by the infliction of suitable penalties and forfeitures against persons and property, or either, for nonconformity to, or failure to comply with the provisions of such system and regulations or either.

(38) Buildings and parks: To provide for all public buildings, public parks, or squares, necessary or proper for the use of the city.

(39) Franchises: To permit the use of the streets for railroad or other public service purposes.

(40) Payment of judgments: To order paid any final judgment against such city, but none of its lands or property of any kind or nature, taxes, revenue, franchise, or rights, or interest, shall be attached, levied upon, or sold in or under any process whatsoever.

(41) Weighing of fuel: To regulate the sale of coal and wood in such city, and may appoint a measurer of wood and weigher of coal for the city, and define his duties, and may prescribe his term of office, and the fees he shall receive for his services: PROVIDED, That such fees shall in all cases be paid by the parties requiring such service.

(42) Hospitals, etc.: To erect and establish hospitals and pesthouses and to control and regulate the same.

(43) Waterworks: To provide for the erection, purchase, or otherwise acquiring of waterworks within or without the corporate limits of the city to supply such city and its inhabitants with water, and to regulate and control the use and price of the water so supplied.

(44) City lights: To provide for lighting the streets and all public places of the city and for furnishing the inhabitants of the city with gas, electric, or other light, and for the ownership, purchase or acquisition, construction, or maintenance of such works as may be necessary or convenient therefor:

PROVIDED, That no purchase of any such water plant or light plant shall be made without first submitting the question of such purchase to the electors of the city.

(45) Parks: To acquire by purchase or otherwise land for public parks, within or without the limits of the city, and to improve the same.

(46) Bridges: To construct and keep in repair bridges, and to regulate the use thereof.

(47) Power of eminent domain: In the name of and for the use and benefit of the city, to exercise the right of eminent domain, and to condemn lands and property for the purposes of streets, alleys, parks, public grounds, waterworks, or for any other municipal purpose and to acquire by purchase or otherwise such lands and property as may be deemed necessary for any of the corporate uses provided for by this title, as the interests of the city may from time to time require.

(48) To provide for the assessment of taxes: To provide for the assessment, levying, and collecting of taxes on real and personal property for the corporate uses and purposes of the city and to provide for the payment of the debts and expenses of the corporation.

(49) Local improvements: To provide for making local improvements, and to levy and collect special assessments on the property benefited thereby and for paying the same or any portion thereof; to determine what work shall be done or improvements made, at the expense, in whole or in part, of the adjoining, contiguous, or proximate property, and to provide for the manner of making and collecting assessments therefor.

(50) Cemeteries: To regulate the burial of the dead and to establish and regulate cemeteries, within or without the corporate limits, and to acquire lands therefor by purchase or otherwise.

(51) Fire limits: To establish fire limits with proper regulations and to make all needful regulations for the erection and maintenance of buildings or other structures within the corporate limits as safety of persons or property may require, and to cause all such buildings and places as may from any cause be in a dangerous state to be put in a safe condition; to regulate the manner in which stone, brick, and other buildings, party walls, and partition fences shall be constructed and maintained.

(52) Safety and sanitary measures: To require the owners of public halls, theaters, hotels, and other buildings to provide suitable means of exit and proper fire escapes; to provide for the cleaning and purification of watercourses and canals and for the draining and filling up of ponds on private property within its limits when the same shall be offensive to the senses or dangerous to the health, and to charge the expense thereof to the property specially benefited, and to regulate and control and provide for the prevention and punishment of the defilement or pollution of all streams running in or through its corporate limits and a distance of five miles beyond its corporate limits, and of any stream or lake from which the water supply of the

city is or may be taken and for a distance of five miles beyond its source of supply, and to make all quarantine and other regulations as may be necessary for the preservation of the public health and to remove all persons afflicted with any contagious disease to some suitable place to be provided for that purpose.

(53) To regulate liquor traffic: To regulate the selling or giving away of intoxicating, spirituous, malt, vinous, mixed, or fermented liquors as authorized by the general laws of the state.

(54) To establish streets on tidelands: To project or extend or establish streets over and across any tidelands within the limits of such city.

(55) To provide for the general welfare.

Sec. 29. Section 35.24.460, chapter 7, Laws of 1965 as last amended by section 12, chapter 116, Laws of 1965 ex. sess. and RCW 35.24.460 are each amended to read as follows:

The police judge so appointed shall have exclusive jurisdiction over all offenses defined by any ordinance of the city, and all other actions brought to enforce or recover any license, penalty or forfeiture declared or given by any such ordinance, and full power to forfeit bail bonds and issue execution thereon and full power to forfeit cash bail, and full power and authority to hear and determine all causes, civil or criminal, including traffic infractions, arising under such ordinance, and pronounce judgment in accordance therewith: PROVIDED, That for the violation of a criminal ordinance no greater punishment shall be imposed than the fine or imprisonment or both such fine and imprisonment prescribed by ordinance. In the trial of actions brought for the violation of any city ordinance, no jury shall be allowed.

Sec. 30. Section 35.24.470, chapter 7, Laws of 1965 as amended by section 13, chapter 116, Laws of 1965 ex. sess. and RCW 35.24.470 are each amended to read as follows:

All civil or criminal proceedings before such police judge and judgments rendered by him shall be subject to review in the superior court of the proper county by writ of review or appeal in the same manner as is provided in RCW 35.22.530 through 35.22.560: PROVIDED, That an appeal from the court's determination or order on a traffic infraction proceeding may be taken only in accordance with section 11(5) of this 1979 act. In actions brought before such police judge to enforce or recover any license, penalty, or forfeiture declared or given by any ordinance, and in all other civil actions, the manner of commencing the same, the manner of obtaining service upon the defendants, the procedure during the pendency of the action and for the enforcement of the judgment obtained, if any, shall be as provided in the case of civil actions before justices of the peace.

Sec. 31. Section 35.27.530, chapter 7, Laws of 1965 as amended by section 17, chapter 116, Laws of 1965 ex. sess. and RCW 35.27.530 are each amended to read as follows:

The police justice in addition to his powers as justice of the peace, if he is a justice of the peace shall have exclusive jurisdiction over all offenses defined by any ordinance of the town and all other actions brought to enforce or recover any license, penalty, or forfeiture declared or given by any ordinance with full power to forfeit bail, issue executions on bail bonds, and hear and determine all causes, civil or criminal, including traffic infractions, arising under any ordinance and pronounce judgment in accordance therewith: **PROVIDED**, That for the violation of a criminal ordinance no greater punishment shall be imposed than the fine or imprisonment or both such fine or imprisonment prescribed by ordinance.

Sec. 32. Section 35.27.540, chapter 7, Laws of 1965 as amended by section 18, chapter 116, Laws of 1965 ex. sess. and RCW 35.27.540 are each amended to read as follows:

In actions brought before the police justice to enforce or recover any license, penalty, or forfeiture declared or given by any ordinance and in all other civil actions, the manner of commencing them, the manner of obtaining service upon the defendants, the procedure during the pendency of the action and for the enforcement of the judgment shall be as provided in the case of civil actions before justices of the peace.

In the trial of actions brought for violations of town ordinances no jury shall be allowed and no change of venue shall be allowed from the police judge.

All civil and criminal proceedings before a police justice and judgments rendered by him shall be subject to review in the superior court of the proper county by writ of review or appeal in the same manner as is provided in RCW 35.22.530 through 35.22.560: **PROVIDED**, That an appeal from the court's determination or order in a traffic infraction proceeding may be taken only in accordance with section 11(5) of this 1979 act.

Sec. 33. Section 35A.20.040, chapter 119, Laws of 1967 ex. sess. and RCW 35A.20.040 are each amended to read as follows:

The police judge, in addition to powers he may have as justice of the peace, shall have exclusive jurisdiction over all offenses defined by any ordinance of the city, and all other actions brought to enforce or recover any license, penalty, or forfeiture declared or given by any such ordinance, and full power to forfeit bail bonds and issue execution thereon and full power to forfeit cash bail, and full power and authority to hear and determine all causes, civil or criminal, including traffic infractions, arising under such ordinance, and pronounce judgment in accordance therewith and full power to issue all warrants and process necessary to effectuate the ordinances of the city. Such police judge shall have jurisdiction to impose a fine or imprisonment, or both such fine and imprisonment, in all cases where such penalty shall be prescribed by ordinance. In the trial of actions brought for violating

any city ordinance, no jury shall be allowed. All civil or criminal proceedings before such police judge and judgments rendered by him, shall be subject to review in the superior court of the proper county by writ of review or appeal in the same manner as is provided in RCW 35.22.530 through 35.22.560: PROVIDED, That an appeal from the court's determination or order in a traffic infraction proceeding may be taken only in accordance with section 11(5) of this 1979 act.

Sec. 34. Section 35A.20.080, chapter 119, Laws of 1967 ex. sess. and RCW 35A.20.080 are each amended to read as follows:

In all civil and criminal cases arising from the violations of city ordinances tried by such police judge he shall charge as costs in each case the same fees as are charged by justices of the peace for like services in every action, and all fees so charged and collected by, and all fines, penalties, and forfeitures paid to, such police judge shall belong to and be paid over by him, weekly, to the city.

Sec. 35. Section 36.32.120, chapter 4, Laws of 1963 as last amended by section 1, chapter 216, Laws of 1975 1st ex. sess. and RCW 36.32.120 are each amended to read as follows:

The legislative authorities of the several counties shall:

(1) Provide for the erection and repairing of court houses, jails, and other necessary public buildings for the use of the county;

(2) Lay out, discontinue, or alter county roads and highways within their respective counties, and do all other necessary acts relating thereto according to law, except within cities and towns which have jurisdiction over the roads within their limits;

(3) License and fix the rates of ferriage; grant grocery and other licenses authorized by law to be by them granted;

(4) Fix the amount of county taxes to be assessed according to the provisions of law, and cause the same to be collected as prescribed by law: **PROVIDED**, That the legislative authority of a county may permit all moneys, assessments, and taxes belonging to or collected for the use of any county, including any amounts representing estimates for future assessments and taxes, to be deposited by any taxpayer prior to the due date thereof with the treasurer or other legal depository for the benefit of the funds to which they belong to be credited against any future tax or assessment that may be levied or become due from the taxpayer: **PROVIDED FURTHER**, That the taxpayer, with the concurrence of the county legislative authority, may designate the particular fund against which such prepayment of future tax or assessment shall be credited;

(5) Allow all accounts legally chargeable against the county not otherwise provided for, and audit the accounts of all officers having the care, management, collection, or disbursement of any money belonging to the county or appropriated to its benefit;

(6) Have the care of the county property and the management of the county funds and business and in the name of the county prosecute and defend all actions for and against the county, and such other powers as are or may be conferred by law;

(7) Make and enforce, by appropriate resolutions or ordinances, all such police and sanitary regulations as are not in conflict with state law, and within the unincorporated area of the county may adopt by reference Washington state statutes and recognized codes and/or compilations printed in book form relating to the construction of buildings, the installation of plumbing, the installation of electric wiring, health, or other subjects, and may adopt such codes and/or compilations or portions thereof, together with amendments thereto, or additions thereto: **PROVIDED**, That except for Washington state statutes, there shall be filed in the county auditor's office three copies of such codes and compilations ten days prior to their adoption by reference, and one copy shall also be filed with the city clerk of each city within the county: **PROVIDED FURTHER**, That no such regulation, code, compilation, and/or statute shall be effective unless before its adoption, a public hearing has been held thereon by the county legislative authority of which at least ten days' notice has been given. Any violation of such regulations, ordinances, codes, compilations, and/or statutes or resolutions shall constitute a misdemeanor: **PROVIDED FURTHER**, That violation of a regulation, ordinance, code, compilation, and/or statute relating to traffic including parking, standing, stopping, and pedestrian offenses is a traffic infraction, except that violation of a regulation, ordinance, code, compilation, and/or statute equivalent to those provisions of Title 46 RCW set forth in section 2 of this 1979 act remains a misdemeanor. The notice must set out a copy of the proposed regulations; or if a code is adopted by reference the notice shall set forth the full official title and a statement describing the general purpose of such code. The notice shall also include the day, hour, and place of hearing and must be given by publication in the newspaper in which legal notices of the county are printed;

(8) Have power to compound and release in whole or in part any debt due to the county when in their opinion the interest of their county will not be prejudiced thereby, except in cases where they or any of them are personally interested;

(9) Have power to administer oaths or affirmations necessary in the discharge of their duties and commit for contempt any witness refusing to testify before them with the same power as justices of the peace.

Sec. 36. Section 36.68.080, chapter 4, Laws of 1963 and RCW 36.68-.080 are each amended to read as follows:

Any person violating any rules or regulations adopted by the board of county commissioners relating to parks, playgrounds, or other recreational facilities shall be guilty of a misdemeanor: **PROVIDED**, That violation of a rule or regulation relating to traffic including parking, standing, stopping,

and pedestrian offenses is a traffic infraction, except that violation of a rule or regulation equivalent to those provisions of Title 46 RCW set forth in section 2 of this 1979 act remains a misdemeanor.

Sec. 37. Section 36.69.180, chapter 4, Laws of 1963 and RCW 36.69-.180 are each amended to read as follows:

The violation of any of the rules or regulations of a park and recreation district adopted by its board for the preservation of order, control of traffic, protection of life or property, or for the regulation of the use of park property shall constitute a misdemeanor: PROVIDED, That violation of a rule or regulation relating to traffic including parking, standing, stopping, and pedestrian offenses is a traffic infraction, except that violation of a rule or regulation equivalent to those provisions of Title 46 RCW set forth in section 2 of this 1979 act remains a misdemeanor.

Sec. 38. Section 1, chapter 160, Laws of 1969 ex. sess. and RCW 43-.30.310 are each amended to read as follows:

For the promotion of the public safety and the protection of public property, the department of natural resources may, in accordance with chapter 34.04 RCW, issue, promulgate, adopt, and enforce rules and regulations pertaining to use by the public of state-owned lands and property which are administered by the department.

A violation of any rule or regulation adopted under this section shall constitute a misdemeanor: PROVIDED, That violation of a rule or regulation relating to traffic including parking, standing, stopping, and pedestrian offenses is a traffic infraction, except that violation of a rule or regulation equivalent to those provisions of Title 46 RCW set forth in section 2 of this 1979 act remains a misdemeanor.

The commissioner of public lands and such of his employees as he may designate shall be vested with police powers when enforcing:

(1) The rules and regulations of the department adopted under this section; or

(2) The general criminal statutes or ordinances of the state or its political subdivisions where enforcement is necessary for the protection of state-owned lands and property.

Sec. 39. Section 44, chapter 170, Laws of 1965 ex. sess. as last amended by section 124, chapter 158, Laws of 1979 and RCW 46.01.230 are each amended to read as follows:

(1) The department of licensing is authorized to accept checks and money orders for payment of drivers' licenses, certificates of ownership and registration, motor vehicle excise taxes, gross weight fees, and other fees and taxes collected by the department, in accordance with regulations adopted by the director. The director's regulations shall duly provide for the

public's convenience consistent with sound business practice and shall encourage the annual renewal of vehicle registrations by mail to the department, authorizing checks and money orders for payment. Such regulations shall contain provisions for cancellation of any registrations, licenses, or permits paid for by checks or money orders which are not duly paid and for the necessary accounting procedures in such cases: PROVIDED, That any bona fide purchaser for value of a vehicle shall not be liable or responsible for any prior uncollected taxes and fees paid, pursuant to this section, by a check which has subsequently been dishonored: AND PROVIDED FURTHER, That no transfer of ownership of a vehicle (~~shall~~) may be denied to a bona fide purchaser for value of a vehicle if there are outstanding uncollected fees or taxes for which a predecessor paid, pursuant to this section, by check which has subsequently been dishonored nor shall the new owner be required to pay any fee for replacement vehicle license number plates that may be required pursuant to RCW 46.16.270 as now or hereafter amended.

(2) (~~Any person shall be guilty of a misdemeanor who shall~~) It is a traffic infraction to fail to surrender within ten days to the department or any authorized agent of the department any certificate, license, or permit after being notified by certified mail that such certificate, license, or permit has been canceled pursuant to this section.

Sec. 40. Section 46.08.170, chapter 12, Laws of 1961 as amended by section 2, chapter 158, Laws of 1963 and RCW 46.08.170 are each amended to read as follows:

Any violation of a rule or regulation prescribed under RCW 46.08.150 (~~shall be punishable as~~) is a (~~misdemeanor~~) traffic infraction, and the courts of justices of the peace in Thurston county shall have jurisdiction over such offenses: PROVIDED, That violation of a rule or regulation relating to traffic including parking, standing, stopping, and pedestrian offenses is a traffic infraction, except that violation of a rule or regulation equivalent to those provisions of Title 46 RCW set forth in section 2 of this 1979 act remains a misdemeanor.

Sec. 41. Section 17, chapter 47, Laws of 1971 ex. sess. as last amended by section 10, chapter 220, Laws of 1977 ex. sess. and RCW 46.09.120 are each amended to read as follows:

(1) It (~~shall be unlawful~~) is a traffic infraction for any person to operate any nonhighway vehicle:

~~((1) While under the influence of intoxicating liquor or a controlled substance;~~

~~(2)) (a)~~ In such a manner as to endanger the property of another;

~~((3)) (b)~~ On lands not owned by the operator or owner of the non-highway vehicle without a lighted headlight and taillight between the hours of dusk and dawn, or when otherwise required for the safety of others regardless of ownership;

~~((4))~~ (c) On lands not owned by the operator or owner of the non-highway vehicle without an adequate braking device or when otherwise required for the safety of others regardless of ownership;

~~((5))~~ (d) Without a spark arrester approved by the department of natural resources;

~~((6))~~ (e) Without an adequate, and operating, muffling device which effectively limits vehicle noise to no more than eighty-six decibels on the "A" scale at fifty feet as measured by the Society of Automotive Engineers (SAE) test procedure J 331a, except that a maximum noise level of one hundred and five decibels on the "A" scale at a distance of twenty inches from the exhaust outlet shall be an acceptable substitute in lieu of the Society of Automotive Engineers test procedure J 331a when measured:

~~((a))~~ (i) At a forty-five degree angle at a distance of twenty inches from the exhaust outlet;

~~((b))~~ (ii) With the vehicle stationary and the engine running at a steady speed equal to one-half of the manufacturer's maximum allowable ("red line") engine speed or where the manufacturer's maximum allowable engine speed is not known the test speed in revolutions per minute calculated as sixty percent of the speed at which maximum horsepower is developed; and

~~((c))~~ (iii) With the microphone placed ten inches from the side of the vehicle, one-half way between the lowest part of the vehicle body and the ground plane, and in the same lateral plane as the rearmost exhaust outlet where the outlet of the exhaust pipe is under the vehicle;

~~((7))~~ (f) On lands not owned by the operator or owner of the non-highway vehicle upon the shoulder or inside bank or slope of any nonhighway road or highway, or upon the median of any divided highway;

~~((8))~~ (g) On lands not owned by the operator or owner of the non-highway vehicle in any area or in such a manner so as to unreasonably expose the underlying soil, or to create an erosion condition, or to injure, damage, or destroy trees, growing crops, or other vegetation;

~~((9))~~ (h) On lands not owned by the operator or owner of the non-highway vehicle or on any nonhighway road or trail which is restricted to pedestrian or animal travel; and

~~((10))~~ (i) On any public lands in violation of rules and regulations of the agency administering such lands.

(2) It is a misdemeanor for any person to operate any nonhighway vehicle while under the influence of intoxicating liquor or a controlled substance.

Sec. 42. Section 24, chapter 47, Laws of 1971 ex. sess. as last amended by section 16, chapter 220, Laws of 1977 ex. sess. and RCW 46.09.190 are each amended to read as follows:

(1) Except as provided in RCW 46.09.120(2) and 46.09.130 as now or hereafter amended, ~~((any person violating))~~ violation of the provisions of

this chapter (~~shall be guilty of a misdemeanor and subject to a fine~~) is a traffic infraction for which a penalty of not less than twenty-five dollars may be imposed.

(2) In addition to the penalties provided in subsection (1) of this section, the owner and/or the operator of any nonhighway vehicle shall be liable for any damage to property including damage to trees, shrubs, or growing crops injured as the result of travel by the nonhighway vehicle. The owner of such property may recover from the person responsible three times the amount of damage.

Sec. 43. Section 9, chapter 29, Laws of 1971 ex. sess. as amended by section 5, chapter 181, Laws of 1975 1st ex. sess. and RCW 46.10.090 are each amended to read as follows:

(1) It (~~shall be unlawful~~) is a traffic infraction for any person to operate any snowmobile:

~~((1))~~ (a) At a rate of speed greater than reasonable and prudent under the existing conditions.

~~((2) While under the influence of intoxicating liquor or narcotics or habit forming drugs:~~

~~((3))~~ (b) In a manner so as to endanger the ~~((person or))~~ property of another.

~~((4))~~ (c) Without a lighted headlight and taillight between the hours of dusk and dawn, or when otherwise required for the safety of others.

~~((5))~~ (d) Without an adequate braking device which may be operated either by hand or foot.

~~((6))~~ (e) Without an adequate and operating muffling device which shall effectively blend the exhaust and motor noise in such a manner so as to preclude excessive or unusual noise, and, on snowmobiles manufactured after January 4, 1973, which shall effectively maintain such noise at a level of eighty-two decibels or below on the "A" scale at one hundred feet under testing procedures as established by the Washington state patrol; except snowmobiles used in organized racing events in an area designated for that purpose may use a bypass or cutout device.

~~((7))~~ (f) Upon the paved portion or upon the shoulder or inside bank or slope of any public roadway or highway, or upon the median of any divided highway, except as provided in RCW 46.10.100 and 46.10.110.

~~((8))~~ (g) In any area or in such a manner so as to expose the underlying soil or vegetation, or to injure, damage, or destroy trees or growing crops.

~~((9))~~ (h) Without a current registration decal affixed thereon, if not exempted under RCW 46.10.030 as now or hereafter amended.

(2) It is a misdemeanor for any person to operate any snowmobile so as to endanger the person of another or while under the influence of intoxicating liquor or narcotics or habit-forming drugs.

Sec. 44. Section 19, chapter 29, Laws of 1971 ex. sess. as amended by section 6, chapter 181, Laws of 1975 1st ex. sess. and RCW 46.10.190 are each amended to read as follows:

(1) Except as provided in RCW 46.10.090(2) and 46.10.130, any (~~person violating~~) violation of the provisions of this chapter (~~shall be guilty of a misdemeanor~~) is a traffic infraction: PROVIDED, That the penalty for failing to have a registration decal under RCW 46.10.090 as now or hereafter amended shall(~~upon conviction,~~) be a fine of twenty-five dollars.

(2) In addition to the penalties provided in subsection (1) of this section, the operator and/or the owner of any snowmobile used with the permission of the owner shall be liable for three times the amount of any damage to trees, shrubs, growing crops, or other property injured as the result of travel by such snowmobile over the property involved.

Sec. 45. Section 46.16.090, chapter 12, Laws of 1961 as last amended by section 1, chapter 25, Laws of 1977 and RCW 46.16.090 are each amended to read as follows:

Motor trucks or trailers may be specially licensed based on the maximum gross weight thereof for fifty percent of the various amounts set forth in the schedule provided in RCW 46.16.070, when such trucks or trailers are owned and operated by farmers, but only if the following condition or conditions exist:

(1) When such trucks or trailers are to be used for the transportation of such farmer's own farm, orchard, or dairy products from point of production to market or warehouse, and of supplies to be used on his farm: PROVIDED, That fish and forestry products shall not be considered as farm products; and/or

(2) When such trucks or trailers are to be used for the infrequent or seasonal transportation by one such farmer for another farmer in his neighborhood of products of the farm, orchard, or dairy owned by such other farmer from point of production to market or warehouse, or supplies to be used on such other farm, but only if such transportation for another farmer is for compensation other than money: PROVIDED, HOWEVER, That farmers shall be permitted an allowance of an additional eight thousand pounds, within the legal limits, on motor trucks or trailers, when used in the transportation of such farmer's own farm machinery between his own farm or farms and for a distance of not more than thirty-five miles from his farm or farms.

The department shall prepare a special form of application to be used by farmers applying for licenses under this section, which form shall contain a statement to the effect that the vehicle or trailer concerned will be used subject to the limitations of this section. The department shall prepare special insignia which shall be placed upon all such vehicles or trailers to indicate that the vehicle or trailer is specially licensed, or may, in its discretion,

substitute a special license plate for such vehicles or trailers for such designation.

~~((Any person who operates))~~ Operation of such a specially licensed vehicle or trailer in transportation upon public highways in violation of the limitations of this section ~~((shall be guilty of a misdemeanor))~~ is a traffic infraction.

Sec. 46. Section 46.16.135, chapter 12, Laws of 1961 as last amended by section 1, chapter 134, Laws of 1979 and RCW 46.16.135 are each amended to read as follows:

Tonnage for any vehicle or combination of vehicles having a declared gross weight of twelve thousand pounds or more may be purchased for any full registration month or months at one-twelfth of the usual annual tonnage fee multiplied by the number of full months for which tonnage is purchased. An additional fee of two dollars shall be charged by the director each time tonnage is purchased. The director is authorized to establish rules and regulations relative to the issuance and display of certificates or insignia.

~~((Any person who operates))~~ Operation of a vehicle licensed under the provisions of this section by any person upon the public highways after the expiration of the monthly tonnage license, is ~~((guilty of a misdemeanor))~~ a traffic infraction, and in addition the person shall be required to purchase a tonnage license for the vehicle involved at the fee covering an entire registration year's operation thereof, less the fees for any registration month or months of the registration year already paid. If, within five days, no tonnage license for a full registration 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.

Sec. 47. Section 46.16.140, chapter 12, Laws of 1961 and RCW 46.16.140 are each amended to read as follows:

It is a traffic infraction for any person ~~((who))~~ to operate~~((s)), or cause~~~~((s)), permit~~~~((s)), or suffer~~~~((s))~~ to be operated upon a public highway of this state any auto stage, motor truck, trailer, pole trailer, or semitrailer, with passengers, or with a maximum gross weight, in excess of that for which the vehicle is licensed ~~((shall be guilty of a misdemeanor))~~.

Any person who operates or causes to be operated upon a public highway of this state any motor truck, trailer, pole trailer, or semitrailer with a maximum gross weight in excess of the maximum gross weight for which the vehicle is licensed shall be deemed to have set a new maximum gross weight and shall, in addition to any penalties otherwise provided, be required to purchase a new license covering the new maximum gross weight, and any ~~((such person who fails))~~ failure to secure such new license ~~((shall be guilty of a misdemeanor))~~ is a traffic infraction: PROVIDED, That this

section shall not apply to for hire vehicles or auto stages operating principally within cities and towns: PROVIDED FURTHER, That upon surrender of the license originally purchased the director shall allow proper credit for the gross weight fee originally paid: PROVIDED FURTHER, That no such person may be permitted or required to purchase the new license upon a gross weight which would exceed the maximum gross weight allowed by law.

Sec. 48. Section 46.16.145, chapter 12, Laws of 1961 as amended by section 5, chapter 64, Laws of 1975-'76 2nd ex. sess. and RCW 46.16.145 are each amended to read as follows:

Any person violating any of the provisions of RCW 46.16.140 shall, upon a first ~~((conviction))~~ offense, pay a ~~((fine))~~ penalty of not less than twenty-five dollars nor more than fifty dollars; upon a second ~~((conviction))~~ offense pay a ~~((fine))~~ penalty of not less than fifty dollars nor more than one hundred dollars, and in addition the court may suspend the certificate of license registration of the vehicle for not more than thirty days; upon a third and subsequent ~~((conviction))~~ offense pay a ~~((fine))~~ penalty of not less than one hundred dollars nor more than two hundred dollars, and in addition the court shall suspend the certificate of license registration of the vehicle for not less than thirty days nor more than ninety days.

Upon ordering the suspension of any certificate of license registration, the court or judge shall forthwith secure such certificate and mail it to the director.

Sec. 49. Section 46.16.350, chapter 12, Laws of 1961 as amended by section 24, chapter 32, Laws of 1967 and RCW 46.16.350 are each amended to read as follows:

Any radio amateur operator who holds a special call letter license plate as issued under the provisions of RCW 46.16.320 through 46.16.350, and who has allowed his federal communications commission license to expire, or has had it revoked, must notify the director in writing within thirty days and surrender his call letter license plate. Failure to do so ~~((will constitute a gross misdemeanor))~~ is a traffic infraction.

Sec. 50. Section 1, chapter 128, Laws of 1961 as last amended by section 1, chapter 102, Laws of 1975-'76 2nd ex. sess. and RCW 46.16.380 are each amended to read as follows:

Any person who shall submit satisfactory proof to the director that he or she has lost both of his or her lower extremities, or who has lost the normal or full use thereof, or who is so severely disabled as to be unable to move without the aid of crutches or a wheelchair or who has lost both hands, shall be entitled to receive a special card to be left in a vehicle in a conspicuous place, bearing distinguishing marks, letters or numerals indicating that the vehicle is being used to transport such a privileged person. Such a privileged person shall also be entitled to receive for one motor vehicle only, a special

decal to be affixed to the vehicle in a conspicuous place designated by the director, bearing distinguishing marks, letters or numerals indicating that the vehicle is owned by or primarily used for such a privileged person. Whenever such owner transfers or assigns his interest in such vehicle, the special decal shall be removed. Such person shall immediately surrender the decal to the director together with a notice of the transfer of interest in such vehicle. If another vehicle is acquired by, or for the primary use of, such person, a new decal shall be issued by the director. Application for renewal, except for the permanently disabled who shall be issued a permanent card, must be made by January 10th of each renewal year together with satisfactory proof of the right to continued use of such special card and decal. No additional fees shall be charged for the issuance of such special card and decal. The director shall promulgate such rules and regulations as he deems necessary to carry into effect this section.

Any unauthorized use of such distinguishing card and decal (~~(shall constitute a gross misdemeanor)~~) is a traffic infraction.

Sec. 51. Section 7, chapter 200, Laws of 1973 1st ex. sess. as amended by section 4, chapter 59, Laws of 1975 and RCW 46.16.585 are each amended to read as follows:

In addition to the regular registration fee, and any other fees and taxes required to be paid upon registration, the applicant shall be charged a fee of thirty dollars. In addition to the regular renewal fee, and in addition to any other fees and taxes required to be paid, the applicant for a renewal of such plates shall be charged an additional fee of twenty dollars: PROVIDED, That any person who purchased personalized license plates containing three letters and three digits on or between the dates of August 9, 1971, and November 6, 1973, shall not be required to pay the additional annual renewal fee of twenty dollars commencing with the year 1976. All personalized license plates must be renewed on an annual basis, regardless of whether a vehicle on which they are displayed will not be driven on public highways or may also be eligible to display permanent license plates valid for the life of such vehicle without annual renewal. Personalized license plates that are not renewed must be surrendered to the department, and failure to do so (~~(shall be a misdemeanor)~~) is a traffic infraction.

Sec. 52. Section 9, chapter 200, Laws of 1973 1st ex. sess. as amended by section 6, chapter 59, Laws of 1975 and RCW 46.16.595 are each amended to read as follows:

When any person who has been issued personalized license plates sells, trades, or otherwise releases ownership of the vehicle upon which the personalized license plates have been displayed, he shall immediately report the transfer of such plates to an acquired vehicle or camper eligible for personalized license plates, pursuant to RCW 46.16.590, or he shall surrender

such plates to the department forthwith and release his priority to the letters or numbers, or combination thereof, displayed on the personalized license plates. Failure to surrender such plates (~~shall constitute a misdemeanor~~) is a traffic infraction.

Sec. 53. Section 2, chapter 121, Laws of 1965 ex. sess. and RCW 46.20.021 are each amended to read as follows:

(1) No person, except those hereinafter expressly exempted shall drive any motor vehicle upon a highway in this state unless such person has a valid driver's license issued under the provisions of this chapter. No person shall receive a driver's license unless and until he surrenders to the department all valid driver's licenses in his possession issued to him by any other jurisdiction. All surrendered licenses shall be returned by the department to the issuing department together with information that the licensee is now licensed in a new jurisdiction. No person shall be permitted to have more than one valid driver's license at any time. Violation of the provisions of this section is a misdemeanor.

(2) Any person licensed as a driver hereunder may exercise the privilege thereby granted upon all streets and highways in this state and shall not be required to obtain any other license to exercise such privilege by any county, municipal or local board, or body having authority to adopt local police regulations.

Sec. 54. Section 5, chapter 121, Laws of 1965 ex. sess. as amended by section 2, chapter 61, Laws of 1979 and RCW 46.20.041 are each amended to read as follows:

(1) The department shall permit any person suffering from any physical or mental disability or disease which may affect that person's ability to drive a motor vehicle, to demonstrate personally that notwithstanding such disability or disease he or she is a proper person to drive a motor vehicle. The department may in addition require such person to obtain a certificate showing his or her condition signed by a licensed physician or other proper authority designated by the department. The certificate shall be for the confidential use of the director and the chief of the Washington state patrol and for such other cognizant public officials as may be designated by law. It shall be exempt from public inspection and copying notwithstanding the provisions of chapter 42.17 RCW. The certificate may not be offered as evidence in any court except when appeal is taken from the order of the director suspending, revoking, canceling, or refusing a vehicle driver's license.

(2) The department may issue a driver's license to such a person imposing restrictions suitable to the licensee's driving ability with respect to the special mechanical control devices required on a motor vehicle or the type of motor vehicle which the licensee may operate or such other restrictions applicable to the licensee as the department may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee.

(3) The department may either issue a special restricted license or may set forth such restrictions upon the usual license form.

(4) The department may upon receiving satisfactory evidence of any violation of the restrictions of such license suspend or revoke the same but the licensee shall be entitled to a driver improvement interview and a hearing as upon a suspension or revocation under this chapter.

(5) It is a (~~misdemeanor~~) traffic infraction for any person to operate a motor vehicle in any manner in violation of the restrictions imposed in a restricted license issued to him or her.

Sec. 55. Section 19, chapter 121, Laws of 1965 ex. sess. and RCW 46.20.171 are each amended to read as follows:

(1) The department shall file every application for a license received by it and shall maintain suitable indexes containing the following:

(a) All applications denied and on each thereof note the reasons for such denial;

(b) All applications granted; and

(c) The name of every licensee whose license has been suspended or revoked by the department and after each such name shall note the reasons for such action.

(2) The department shall also maintain a record for every licensed driver which shall include all accident reports and abstracts of court records of convictions and findings that a traffic infraction has been committed received by it under the laws of this state and in connection therewith maintain convenient records in order that an individual record of each licensee showing the licensee's convictions ((of such licensee)), the findings that he has committed a traffic infraction, the traffic accidents in which he has been involved and any prior actions taken by the department in connection with his driving record shall be readily ascertainable for the consideration of the department.

Sec. 56. Section 46.20.190, chapter 12, Laws of 1961 as amended by section 15, chapter 121, Laws of 1965 ex. sess. and RCW 46.20.190 are each amended to read as follows:

Every licensee shall have his driver's license in his immediate possession at all times when operating a motor vehicle and shall display the same upon demand to any police officer or to any other person when and if required by law to do so. The offense described in this section is a nonmoving offense.

Sec. 57. Section 21, chapter 121, Laws of 1965 ex. sess. and RCW 46.20.215 are each amended to read as follows:

(1) The privilege of driving a motor vehicle on the highways of this state given to a nonresident hereunder shall be subject to suspension or revocation by the department in like manner and for like cause as a driver's license issued hereunder may be suspended or revoked.

(2) The department shall, upon receiving a record of the conviction in this state of a nonresident driver of a motor vehicle of any offense under the motor vehicle laws of this state, forward a report of such conviction to the motor vehicle administrator in the state wherein the person so convicted is a resident. Such report shall clearly identify the person convicted; describe the violation specifying the section of the statute, code or ordinance violated; identify the court in which action was taken; and indicate whether a plea of guilty or not guilty was entered, or the conviction was a result of the forfeiture of bail, bond or other security.

(3) The department shall, upon receiving a record of the commission of a traffic infraction in this state by a nonresident driver of a motor vehicle, forward a report of the traffic infraction to the motor vehicle administrator in the state where the person who committed the infraction resides. The report shall clearly identify the person found to have committed the infraction; describe the infraction, specifying the section of the statute, code or ordinance violated; identify the court in which action was taken; and indicate whether the determination that an infraction was committed was contested or whether the individual failed to respond to the notice of infraction.

Sec. 58. Section 46.20.270, chapter 12, Laws of 1961 as last amended by section 7, chapter 61, Laws of 1979 and RCW 46.20.270 are each amended to read as follows:

(1) Whenever any person is convicted of any offense for which this title makes mandatory the suspension or revocation of the driver's license of such person by the department, the privilege of the person to operate a vehicle is suspended until the department takes the action required by this chapter, and the court in which such conviction is had shall forthwith secure the immediate forfeiture of the driver's license of such convicted person and immediately forward such driver's license to the department, and on failure of such convicted person to deliver such driver's license the judge shall cause such person to be confined for the period of such suspension or revocation or until such driver's license is delivered to such judge: PROVIDED, That if the convicted person testifies that he or she does not and at the time of the offense did not have a current and valid vehicle driver's license, the judge shall cause such person to be charged with the operation of a motor vehicle without a current and valid driver's license and on conviction punished as by law provided, and the department may not issue a driver's license to such persons during the period of suspension or revocation: PROVIDED, ALSO, That if the driver's license of such convicted person has been lost or destroyed and such convicted person makes an affidavit to that effect, sworn to before the judge, the convicted person may not be so confined, but the department may not issue or reissue a driver's license for such convicted person during the period of such suspension or revocation: PROVIDED, That perfection of notice of appeal shall stay the execution of sentence including the suspension and/or revocation of the driver's license.

(2) Every court having jurisdiction over offenses committed under this chapter, or any other act of this state or municipal ordinance adopted by a local authority regulating the operation of motor vehicles on highways, or any federal authority having jurisdiction over offenses substantially the same as those set forth in Title 46 RCW which occur on federal installations within this state, shall forward to the department within ten days of a forfeiture of bail or collateral deposited to secure the defendant's appearance in court, ~~((or))~~ a payment of a fine or penalty, ~~((or))~~ a plea of guilty or a finding of guilt, or a finding that any person has committed a traffic infraction an abstract of the court record in the form prescribed by rule of the supreme court, showing the conviction of any person or the finding that any person has committed a traffic infraction in said court for a violation of any said laws other than regulations governing standing ~~((or))~~, stopping, parking, and pedestrian offenses.

(3) For the purposes of Title 46 RCW the term "conviction" means a final conviction in a state or municipal court or by any federal authority having jurisdiction over offenses substantially the same as those set forth in Title 46 RCW which occur on federal installations in this state, an unvacated forfeiture of bail or collateral deposited to secure a defendant's appearance in court, the payment of a fine, a plea of guilty, or a finding of guilt on a traffic law violation charge, regardless of whether the imposition of sentence is deferred or the penalty is suspended.

(4) For the purposes of Title 46 RCW the term "finding that a traffic infraction has been committed" means a failure to respond to a notice of infraction or a determination made by a court pursuant to this chapter. Payment of a monetary penalty made pursuant to section 9(2) of this 1979 act is deemed equivalent to such a finding.

Sec. 59. Section 1, chapter 1, Laws of 1969 as last amended by section 151, chapter 158, Laws of 1979 and RCW 46.20.308 are each amended to read as follows:

(1) Any person who operates a motor vehicle upon the public highways of this state shall be deemed to have given consent, subject to the provisions of RCW 46.61.506, to a chemical test or tests of his breath or blood for the purpose of determining the alcoholic content of his blood if arrested for any offense where, at the time of the arrest, the arresting officer has reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle while under the influence of intoxicating liquor. The test or tests shall be administered at the direction of a law enforcement officer having reasonable grounds to believe the person to have been driving or in actual physical control of a motor vehicle upon the public highways of this state while under the influence of intoxicating liquor. Such officer shall inform the person of his right to refuse the test, and of his right to have additional tests administered by any qualified person of his choosing as provided in RCW 46.61.506. The officer shall warn the driver that his privilege

to drive will be revoked or denied if he refuses to submit to the test. Unless the person to be tested is unconscious, the chemical test administered shall be of his breath only: **PROVIDED**, That if an individual is under arrest for the crime of negligent homicide by motor vehicle as provided in RCW 46-.61.520, or if an individual is under arrest for the crime of driving while under the influence of intoxicating liquor or drugs as provided in RCW 46-.61.506, which arrest results from an accident in which another person has been injured and there is a reasonable likelihood that such other person may die as a result of injuries sustained in the accident, a breath or blood test may be administered without the consent of the individual so arrested. In such circumstances, the provisions of subsections (2) through (6) of this section shall not apply.

(2) Any person who is dead, unconscious, or who is otherwise in a condition rendering him incapable of refusal, shall be deemed not to have withdrawn the consent provided by subsection (1) of this section and the test or tests may be administered, subject to the provisions of RCW 46.61.506.

(3) If, following his arrest, the person arrested refuses upon the request of a law enforcement officer to submit to a chemical test of his breath, after being informed that his refusal will result in the revocation or denial of his privilege to drive, no test shall be given. The department of licensing, upon the receipt of a sworn report of the law enforcement officer that he had reasonable grounds to believe the arrested person had been driving or was in actual physical control of a motor vehicle upon the public highways of this state while under the influence of intoxicating liquor and that the person had refused to submit to the test upon the request of the law enforcement officer after being informed that such refusal would result in the revocation or denial of his privilege to drive, shall revoke his license or permit to drive or any nonresident operating privilege. If the person is a resident without a license or permit to operate a motor vehicle in this state, the department shall deny to the person the issuance of a license or permit for a period of six months after the date of the alleged violation, subject to review as hereinafter provided.

(4) Upon revoking the license or permit to drive or the nonresident operating privilege of any person, or upon determining that the issuance of a license or permit shall be denied to the person, as hereinbefore in this section directed, the department shall immediately notify the person involved in writing by personal service or by registered or certified mail of its decision and the grounds therefor, and of his right to a hearing, specifying the steps he must take to obtain a hearing. The person upon receiving such notice may, in writing and within ten days therefrom request a formal hearing. Upon receipt of such request, the department shall afford him an opportunity for a hearing as provided in RCW 46.20.329 and 46.20.332. The scope of such hearing for the purposes of this section shall cover the issues of

whether a law enforcement officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle upon the public highways of this state while under the influence of intoxicating liquor, whether the person was placed under arrest and whether he refused to submit to the test upon request of the officer after having been informed that such refusal would result in the revocation or denial of his privilege to drive. The department shall order that the revocation or determination that there should be a denial of issuance either be rescinded or sustained. Any decision by the department revoking a person's driving privilege shall be stayed and shall not take effect while a formal hearing is pending as herein provided or during the pendency of a subsequent appeal to superior court: **PROVIDED**, That this stay shall be effective only so long as there is no conviction for a moving violation or no finding that the person has committed a traffic infraction which is a moving violation during pendency of the hearing and appeal.

(5) If the revocation or determination that there should be a denial of issuance is sustained after such a hearing, the person whose license, privilege, or permit is so affected shall have the right to file a petition in the superior court of the county wherein he resides, or, if a nonresident of this state, where the charge arose, to review the final order of revocation or denial by the department in the manner provided in RCW 46.20.334.

(6) When it has been finally determined under the procedures of this section that a nonresident's privilege to operate a motor vehicle in this state has been revoked, the department shall give information in writing of the action taken to the motor vehicle administrator of the state of the person's residence and of any state in which he has a license.

Sec. 60. Section 27, chapter 121, Laws of 1965 ex. sess. as last amended by section 1, chapter 36, Laws of 1973 1st ex. sess. and RCW 46.20.311 are each amended to read as follows:

(1) The department shall not suspend a driver's license or privilege to drive a motor vehicle on the public highways for a fixed period of more than one year, except as permitted under RCW 46.20.342. Whenever the license of any person is suspended by reason of a conviction, a finding that a traffic infraction has been committed, or pursuant to RCW 46.20.291, such suspension shall remain in effect and the department shall not issue to such person any new or renewal of license until such person shall pay a reinstatement fee of ten dollars and shall give and thereafter maintain proof of financial responsibility for the future as provided in chapter 46.29 RCW.

(2) Any person whose license or privilege to drive a motor vehicle on the public highways has been revoked shall not be entitled to have such license or privilege renewed or restored unless the revocation was for a cause which has been removed, except that after the expiration of six months in cases of revocation for refusal to submit to a chemical test under the provisions of RCW 46.20.308 as now or hereafter amended, and in all other revocation

cases after the expiration of one year from the date on which the revoked license was surrendered to and received by the department, such person may make application for a new license as provided by law together with an additional fee in the amount of ten dollars, but the department shall not then issue a new license unless it is satisfied after investigation of the driving ability of such person that it will be safe to grant the privilege of driving a motor vehicle on the public highways, and until such person shall give and thereafter maintain proof of financial responsibility for the future as provided in chapter 46.29 RCW.

Sec. 61. Section 36, chapter 121, Laws of 1965 ex. sess. as amended by section 1, chapter 29, Laws of 1972 ex. sess. and RCW 46.20.329 are each amended to read as follows:

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

Any decision by the department suspending or revoking a person's driving privilege shall be stayed and shall not take effect while a formal hearing is pending as herein provided or during the pendency of a subsequent appeal to superior court: **PROVIDED**, That this stay shall be effective only so long as there is no conviction of a moving violation or a finding that the person has committed a traffic infraction which is a moving violation during pendency of hearing and appeal: **PROVIDED FURTHER**, That nothing in this section shall be construed as prohibiting the department from seeking an order setting aside the stay during the pendency of such appeal in those cases where the action of the department is based upon physical or mental incapacity, or a failure to successfully complete an examination required by this chapter.

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

Sec. 62. Section 2, chapter 27, Laws of 1969 and RCW 46.20.342 are each amended to read as follows:

(1) Any person who drives a motor vehicle on any public highway of this state at a time when his privilege so to do is suspended or revoked or when his policy of insurance or bond, when required under this chapter, shall have been canceled or terminated, shall be guilty of a misdemeanor: **PROVIDED**, That the offenses described in RCW 46.20.021 and 46.20.190, as now or hereafter amended, are lesser included offenses within the offense described by this section. Upon the first conviction therefor, he shall

be punished by imprisonment for not less than ten days nor more than six months. Upon the second such conviction therefor, he shall be punished by imprisonment for not less than ninety days nor more than one year. Upon the third such conviction therefor, he shall be punished by imprisonment for one year. There may also be imposed in connection with each such conviction a fine of not more than five hundred dollars.

(2) The department upon receiving a record of conviction of any person or upon receiving an order by any juvenile court or any duly authorized court officer of the conviction of any juvenile under this section upon a charge of driving a vehicle while the license of such person is under suspension shall extend the period of such suspension for an additional like period and if the conviction was upon a charge of driving while a license was revoked the department shall not issue a new license for an additional period of one year from and after the date such person would otherwise have been entitled to apply for a new license.

Sec. 63. Section 5, chapter 169, Laws of 1963 as last amended by section 1, chapter 40, Laws of 1969 ex. sess. and RCW 46.29.050 are each amended to read as follows:

(1) The department shall upon request furnish any person or his attorney a certified abstract of his driving record, which abstract shall include enumeration of any motor vehicle accidents in which such person has been involved. Such abstract shall indicate the total number of vehicles involved; whether the vehicles were legally parked or moving, and; whether such vehicles were occupied at the time of the accident; and reference to any convictions of said person for violation of the motor vehicle laws as reported to the department(~~(:)~~); and reference to any findings that the person has committed a traffic infraction which have been reported to the department; and a record of any vehicles registered in the name of such person. The department shall collect for each abstract the sum of one dollar and fifty cents which shall be deposited in the highway safety fund.

(2) The department shall upon request furnish any person who may have been injured in person or property by any motor vehicle, with an abstract of all information of record in the department pertaining to the evidence of the ability of any driver or owner of any motor vehicle to respond in damages. The department shall collect for each abstract the sum of one dollar and fifty cents which shall be deposited in the highway safety fund.

Sec. 64. Section 28, chapter 169, Laws of 1963 and RCW 46.29.280 are each amended to read as follows:

Whenever, under any law of this state, the license of any person is suspended or revoked by reason of a conviction (~~(or a)~~), forfeiture of bail, or finding that a traffic infraction has been committed, the suspension or revocation hereinbefore required shall remain in effect and the department shall not issue to such person any new or renewal of license until permitted under

the motor vehicle laws of this state, and not then unless and until such person shall give and thereafter maintain proof of financial responsibility for the future.

Sec. 65. Section 30, chapter 169, Laws of 1963 as amended by section 39, chapter 32, Laws of 1967 and RCW 46.29.300 are each amended to read as follows:

Whenever the department suspends or revokes a nonresident's driving privilege by reason of a conviction ((~~or~~)), forfeiture of bail, or finding that a traffic infraction has been committed such privilege shall remain so suspended or revoked unless such person shall have previously given or shall immediately give and thereafter maintain proof of financial responsibility for the future.

Sec. 66. Section 60, chapter 169, Laws of 1963 and RCW 46.29.600 are each amended to read as follows:

(1) The department shall upon request consent to the immediate cancellation of any bond or certificate of insurance, or the department shall direct and the state treasurer shall return to the person entitled thereto any money or securities deposited pursuant to this chapter as proof of financial responsibility, or the department shall waive the requirement of filing proof, in any of the following events:

(a) At any time after three years from the date such proof was required when, during the three-year period preceding the request, the department has not received record of a conviction ((~~or a~~)), forfeiture of bail, or finding that a traffic infraction has been committed which would require or permit the suspension or revocation of the license of the person by or for whom such proof was furnished; or

(b) In the event of the death of the person on whose behalf such proof was filed or the permanent incapacity of such person to operate a motor vehicle; or

(c) In the event the person who has given proof surrenders his license to the department;

(2) Provided, however, that the department shall not consent to the cancellation of any bond or the return of any money or securities in the event any action for damages upon a liability covered by such proof is then pending or any judgment upon any such liability is then unsatisfied, or in the event the person who has filed such bond or deposited such money or securities has within one year immediately preceding such request been involved as a driver or owner in any motor vehicle accident resulting in injury or damage to the person or property of others. An affidavit of the applicant as to the nonexistence of such facts, or that he has been released from all of his liability, or has been finally adjudicated not to be liable, for such injury or damage, shall be sufficient evidence thereof in the absence of evidence to the contrary in the records of the department.

(3) Whenever any person whose proof has been canceled or returned under subdivision (1)(c) of this section applies for a license within a period of three years from the date proof was originally required, any such application shall be refused unless the applicant shall reestablish such proof for the remainder of such three-year period.

Sec. 67. Section 46.32.010, chapter 12, Laws of 1961 as last amended by section 156, chapter 158, Laws of 1979 and RCW 46.32.010 are each amended to read as follows:

The chief of the Washington state patrol is hereby empowered to constitute, erect, operate, and maintain, throughout the state of Washington, stations for the inspection of vehicle equipment, and to set a date, at a reasonable time subsequent to the installation of such stations, when inspection of vehicles shall commence, and it shall be unlawful for any vehicle to be operated over the public highways of this state unless and until it has been approved periodically as to equipment. The chief of the Washington state patrol shall establish periods of vehicle equipment inspection. In the event of any such inspection, the same shall be in charge of a responsible employee of the chief of the Washington state patrol, who shall be duly authorized as a police officer and who shall have authority to secure and withhold, with written notice to the director of licensing, the certificate of license registration and license plates of any vehicle found to be defective in equipment so as to be unsafe or unfit to be operated upon the highways of this state, and it shall be unlawful for any person to operate such vehicle unless and until the same has been placed in a condition satisfactory to subsequent equipment inspection; the police officer in charge of such vehicle equipment inspection station shall grant to the operator of such defective vehicle the privilege to move such vehicle to a place for repair under such restrictions as may be reasonably necessary.

In the event any insignia, sticker, or other marker should be adopted to be displayed upon vehicles in connection with the inspection of vehicle equipment, the same shall be displayed as required by the rules and regulations of the chief of the Washington state patrol and it (~~shall be a gross misdemeanor~~) is a traffic infraction for any person to mutilate, destroy, remove, or otherwise interfere with the display thereof.

It is a traffic infraction for any person (~~who~~) to refuse(~~s~~) to have his motor vehicle examined, or, after having had it examined, to refuse(~~s~~) to place a certificate of approval, or a certificate of condemnation, if issued, upon his windshield, or (~~who~~) to fraudulently obtain(~~s~~) a certificate of approval, or (~~who~~) to refuse(~~s~~) to place his motor vehicle in proper condition after having had the same examined, or (~~who~~) to, in any manner, fail(~~s~~) to conform to the provisions of this chapter(~~; shall be guilty of a gross misdemeanor~~).

It is a traffic infraction for any person ((who)) to perform((s)) false or improvised repairs, or repairs in any manner not in accordance with acceptable and customary repair practices, upon a motor vehicle((, shall be guilty of a gross misdemeanor)).

Sec. 68. Section 46.32.050, chapter 12, Laws of 1961 and RCW 46.32-.050 are each amended to read as follows:

It shall be unlawful for any person employed by the chief of the Washington state patrol or by any municipality or other political subdivision, in any vehicle equipment inspection station, to directly or indirectly, or in any manner whatsoever, order, direct, recommend, or influence the correction of vehicle equipment defects by any person or persons whomsoever.

It shall be unlawful for any person employed by the chief of the Washington state patrol or by any municipality or other political subdivision, while in or about any vehicle equipment inspection station, to perform any repair or adjustment upon any vehicle or any equipment or appliance of any vehicle whatsoever.

It shall be unlawful for any person to solicit in any manner the repair to any vehicle or the adjustment of any equipment or appliance of any vehicle, upon the property of any vehicle equipment inspection station or upon any public highway adjacent thereto.

~~((Any person violating any))~~ Violation of the provisions of this section ~~((shall be guilty of a gross misdemeanor))~~ is a traffic infraction.

Sec. 69. Section 46.37.010, chapter 12, Laws of 1961 as last amended by section 1, chapter 355, Laws of 1977 ex. sess. and RCW 46.37.010 are each amended to read as follows:

(1) It is a ~~((misdemeanor))~~ traffic infraction for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person, or which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in this chapter or in regulations issued by the state commission on equipment, or which is equipped in any manner in violation of this chapter or the commission's regulations, or for any person to do any act forbidden or fail to perform any act required under this chapter or the commission's regulations.

(2) Nothing contained in this chapter or the commission's regulations shall be construed to prohibit the use of additional parts and accessories on any vehicle not inconsistent with the provisions of this chapter or the commission's regulations.

(3) The provisions of the chapter and the commission's regulations with respect to equipment on vehicles shall not apply to implements of husbandry, road machinery, road rollers, or farm tractors except as herein made applicable.

(4) No owner or operator of a farm tractor, self-propelled unit of farm equipment, or implement of husbandry shall be guilty of a crime or subject to penalty for violation of RCW 46.37.160 as now or hereafter amended unless such violation occurs on a public highway.

(5) It is a ~~((misdemeanor))~~ traffic infraction for any person to sell or offer for sale vehicle equipment which is required to be approved by the commission on equipment as prescribed in RCW 46.37.005 unless it has been approved by the state commission on equipment.

(6) The provisions of this chapter with respect to equipment required on vehicles shall not apply to motorcycles or motor-driven cycles except as herein made applicable.

Sec. 70. Section 46.37.188, chapter 12, Laws of 1961 and RCW 46.37-.188 are each amended to read as follows:

Every violation of RCW 46.37.184, 46.37.185, 46.37.186, or 46.37.187 is a ~~((misdemeanor))~~ traffic infraction.

Sec. 71. Section 1, chapter 77, Laws of 1971 and RCW 46.37.423 are each amended to read as follows:

No person, firm, or corporation shall sell or offer for sale for use on the public highways of this state any new pneumatic passenger car tire which does not meet the standards established by federal motor vehicle safety standard No. 109, as promulgated by the United States department of transportation under authority of the National Traffic and Motor Vehicle Safety Act of 1966 (80 Stat. 719, 728; 15 U.S.C. 1392, 1407).

The applicable standard shall be the version of standard No. 109 in effect at the time of manufacture of the tire.

It is a traffic infraction for any person, firm, or corporation ~~((who shall))~~ to sell or offer for sale any new pneumatic passenger car tire which does not meet the standards prescribed in this section ~~((shall be guilty of a misdemeanor))~~ unless such tires are sold for off-highway use, as evidenced by a statement signed by the purchaser at the time of sale certifying that he is not purchasing such tires for use on the public highways of this state.

Sec. 72. Section 2, chapter 77, Laws of 1971 as amended by section 36, chapter 355, Laws of 1977 ex. sess. and RCW 46.37.424 are each amended to read as follows:

No person, firm, or corporation shall sell or offer for sale any regrooved tire or shall regroove any tire for use on the public highways of this state which does not meet the standard established by federal motor vehicle standard part 569—regrooved tires, as promulgated by the United States department of transportation under authority of the National Traffic and Motor Vehicle Safety Act of 1966 (80 Stat. 719, 728; 15 U.S.C. 1392, 1407).

The applicable standard shall be the version of the federal regrooved tire standard in effect at the time of regrooving.

It is a traffic infraction for any person, firm, or corporation (~~who shall~~) to sell or offer for sale any regrooved tire or shall regroove any tire which does not meet the standards prescribed in this section (~~shall be guilty of a misdemeanor~~) unless such tires are sold or regrooved for off-highway use, as evidenced by a statement signed by the purchaser or regroover at the time of sale or regrooving certifying that he is not purchasing or regrooving such tires for use on the public highways of this state.

Sec. 73. Section 3, chapter 77, Laws of 1971 as amended by section 37, chapter 355, Laws of 1977 ex. sess. and RCW 46.37.425 are each amended to read as follows:

No person shall drive or move or cause to be driven or moved any vehicle, the tires of which have contact with the driving surface of the road, subject to registration in this state, upon the public highways of this state unless such vehicle is equipped with tires in safe operating condition in accordance with requirements established by this section or by the state commission on equipment.

The state commission on equipment shall promulgate rules and regulations setting forth requirements of safe operating condition of tires capable of being employed by a law enforcement officer by visual inspection of tires mounted on vehicles including visual comparison with simple measuring gauges. These rules shall include effects of tread wear and depth of tread.

A tire shall be considered unsafe if it has:

(1) Any ply or cord exposed either to the naked eye or when cuts or abrasions on the tire are probed; or

(2) Any bump, bulge, or knot, affecting the tire structure; or

(3) Any break repaired with a boot; or

(4) A tread depth of less than $\frac{2}{32}$ of an inch measured in any two major tread grooves at three locations equally spaced around the circumference of the tire, or for those tires with tread wear indicators, a tire shall be considered unsafe if it is worn to the point that the tread wear indicators contact the road in any two major tread grooves at three locations equally spaced around the circumference of the tire; or

(5) A legend which indicates the tire is not intended for use on public highways such as, "not for highway use" (⊖) or "for racing purposes only"; or

(6) Such condition as may be reasonably demonstrated to render it unsafe; or

(7) If not matched in tire size designation, construction, and profile to the other tire and/or tires on the same axle.

No person, firm, or corporation shall sell any vehicle for use on the public highways of this state unless the vehicle is equipped with tires that are in compliance with the provisions of this section. If the tires are found to be in violation of the provisions of this section, the person, firm, or corporation selling the vehicle shall cause such tires to be removed from the

vehicle and shall equip the vehicle with tires that are in compliance with the provisions of this section.

It is a traffic infraction for any person (~~((operating))~~) to operate a vehicle on the public highways of this state, or (~~((selling))~~) to sell a vehicle for use on the public highways of this state, which is equipped with a tire or tires in violation of the provisions of this section or the rules and regulations promulgated by the state commission on equipment hereunder (~~((shall be guilty of a misdemeanor))~~): PROVIDED, HOWEVER, That if the violation relates to items (1) to (7) inclusive of this section then the condition or defect must be such that it can be detected by a visual inspection of tires mounted on vehicles, including visual comparison with simple measuring gauges.

Sec. 74. Section 46.44.047, chapter 12, Laws of 1961 as last amended by section 11, chapter 64, Laws of 1975-'76 2nd ex. sess. and RCW 46.44-.047 are each amended to read as follows:

A three axle truck tractor and a two axle pole trailer combination engaged in the operation of hauling logs may exceed by not more than six thousand eight hundred pounds the legal gross weight of the combination of vehicles when licensed, as permitted by law, for sixty-eight thousand pounds: PROVIDED, That the distance between the first and last axle of the vehicles in combination shall have a total wheelbase of not less than thirty-seven feet, and the weight upon two axles spaced less than seven feet apart shall not exceed thirty-three thousand six hundred pounds.

Such additional allowances shall be permitted by a special permit to be issued by the (~~((state highway commission))~~) department of transportation valid only on state primary or secondary highways authorized by the (~~((state highway commission))~~) department and under such rules, regulations, terms, and conditions prescribed by the (~~((state highway commission))~~) department. The fee for such special permit shall be fifty dollars for a twelve-month period beginning and ending on April 1st of each calendar year. Permits may be issued at any time, but if issued after July 1st of any year the fee shall be thirty-seven dollars and fifty cents. If issued on or after October 1st the fee shall be twenty-five dollars, and if issued on or after January 1st the fee shall be twelve dollars and fifty cents. A copy of such special permit covering the vehicle involved shall be carried in the cab of the vehicle at all times. Upon the third (~~((conviction))~~) offense within the duration of the permit for violation of the terms and conditions of the special permit, the special permit shall be canceled. The vehicle covered by such canceled special permit shall not be eligible for a new special permit until thirty days after the cancellation of the special permit issued to said vehicle. The fee for such renewal shall be at the same rate as set forth in this section which covers the original issuance of such special permit. Each special permit shall be assigned to a three-axle truck tractor in combination with a two-axle pole trailer. When the (~~((highway commission))~~) department issues a duplicate

permit to replace a lost or destroyed permit and where the (~~(highway commission)~~) department transfers a permit, a fee of five dollars shall be charged for each such duplicate issued or each such transfer.

All fees collected hereinabove shall be deposited with the state treasurer and credited to the motor vehicle fund.

Permits involving city streets or county roads or using city streets or county roads to reach or leave state highways, authorized for permit by the (~~(state highway)~~) department may be issued by the city or county or counties involved. A fee of five dollars for such city or county permit may be assessed by the city or by the (~~(board of)~~) county (~~(commissioners)~~) legislative authority which shall be deposited in the city or county road fund. The special permit provided for herein shall be known as a "log tolerance permit" and shall designate the route or routes to be used, which shall first be approved by the city or county engineer involved. Authorization of additional route or routes may be made at the discretion of the city or county by amending the original permit or by issuing a new permit. Said permits shall be issued on a yearly basis expiring on March 31st of each calendar year. Any person, firm, or corporation who uses any city street or county road for the purpose of transporting logs with weights authorized by state highway log tolerance permits, to reach or leave a state highway route, without first obtaining a city or county permit when required by the city or (~~(board of)~~) the county (~~(commissioners)~~) legislative authority shall be subject to the penalties prescribed by RCW 46.44.105. For the purpose of determining gross weight the actual scale weight taken by the officer shall be prima facie evidence of such total gross weight. In the event the gross weight is in excess of the weight permitted by law, the officer may, within his discretion, permit the operator to proceed with his vehicles in combination.

The chief of the state patrol, with the advice of the (~~(state highway commission)~~) department, may make reasonable rules and regulations to aid in the enforcement of the provisions of this section.

Sec. 75. Section 23, chapter 64, Laws of 1975-'76 2nd ex. sess. and RCW 46.44.105 are each amended to read as follows:

(1) (~~(Any person violating)~~) Violation of any of the provisions of RCW 46.44.042, 46.44.047, 46.44.090, 46.44.091, 46.44.095, and 46.44.041, or (~~(who fails)~~) failure to obtain a permit as provided by RCW 46.44.090 and 46.44.095, or (~~(misrepresents)~~) misrepresentation of the size or weight of any load or (~~(does not)~~) failure to follow the requirements and conditions of a permit issued hereunder (~~(shall be guilty of a misdemeanor)~~) is a traffic infraction, and upon the first (~~(conviction)~~) finding thereof shall be (~~(fined)~~) assessed a basic (~~(fine)~~) penalty of not less than fifty dollars; and upon second (~~(conviction)~~) finding thereof shall be (~~(fined)~~) assessed a basic (~~(fine)~~) penalty of not less than seventy-five dollars; and upon a third or subsequent

~~((conviction))~~ finding shall be ~~((fined))~~ assessed a basic ~~((fine))~~ penalty of not less than one hundred dollars.

(2) In addition to the ~~((fines levied))~~ penalties imposed in subsection (1) of this section any person violating RCW 46.44.042, 46.44.047, 46.44.090, 46.44.091, 46.44.095, or 46.44.041 shall be ~~((fined))~~ assessed three cents for each pound of excess weight: PROVIDED, That upon a first violation in any calendar year, the court may suspend the ~~((fine))~~ penalty for five hundred pounds of excess weight for each axle on any vehicle or combination of vehicles, not to exceed a two thousand pound suspension. In no case shall the basic ~~((fine levied))~~ penalty assessed in subsection (1) of this section be suspended.

(3) Whenever any vehicle or combination of vehicles is involved in two violations of RCW 46.44.042, 46.44.047, 46.44.090, 46.44.091, 46.44.095, or 46.44.041 during any twelve month period, the court may suspend the certificate of license registration of the vehicle or combination of vehicles for not less than thirty days. Upon a third or succeeding violation in any twelve month period, the court shall suspend the certificate of license registration for not less than thirty days. ~~((For purposes of this section, bail forfeiture shall be given the same effect as a conviction.))~~ Whenever the certificate of license registration is suspended, the court shall secure such certificate and immediately forward the same to the director with information concerning the suspension.

(4) Any person ~~((convicted of violating))~~ found to have violated any posted limitations of a highway or section of highway shall be ~~((fined))~~ assessed a monetary penalty of not less than one hundred and fifty dollars, and the court shall in addition thereto upon second violation within a twelve month period involving the same power unit, suspend the certificate of license registration for not less than thirty days.

(5) Any police officer is authorized to require the driver of any vehicle or combination of vehicles to stop and submit to a weighing either by means of a portable or stationary scale and may require that such vehicle be driven to the nearest public scale. Whenever a police officer, upon weighing a vehicle and load, determines that the weight is unlawful, such officer may require the driver to stop the vehicle in a suitable location and remain standing until such portion of the load is removed as may be necessary to reduce the gross weight of the vehicle to such limit as permitted by law.

Any vehicle whose driver or owner represents that the vehicle is disabled or otherwise unable to proceed to a weighing location shall have its load sealed or otherwise marked by any police officer. The owner or driver shall be directed that upon completion of repairs, the vehicle shall submit to weighing with the load and markings and/or seal intact and undisturbed. Failure to report for weighing, appearing for weighing with the seal broken or the markings disturbed, or removal of any cargo prior to weighing shall be unlawful. Any person so convicted shall be fined five hundred dollars,

and in addition the certificate of license registration shall be suspended for not less than thirty days.

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

(7) For the purpose of determining additional (~~fin~~) penalties as provided by subsection (2) of this section, "excess weight" shall mean the poundage in excess of the maximum gross weight prescribed by RCW 46.44.042 and 46.44.041 plus the weights allowed by RCW 46.44.047, 46.44.091, and 46.44.095.

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

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

(10) Any state patrol officer or any weight control officer who shall find any person operating a vehicle or a combination of vehicles in violation of the conditions of a permit issued under RCW 46.44.037, 46.44.090, and 46.44.095 may confiscate such permit and forward the same to the state highway commission which may return it to the permittee or revoke, cancel, or suspend it without refund. The state highway commission shall keep a record of all action taken upon permits so confiscated, and if a permit shall be returned to the permittee the action taken by the commission shall be endorsed thereon. Any permittee whose permit is suspended or revoked may upon request receive a hearing before the commission or person designated by the commission. The commission after such hearing may reinstate any permit or revise its previous action.

Every permit issued as provided for in this chapter shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any law enforcement officer or authorized agent of any authority granting such a permit.

Upon the third (~~(conviction)~~) finding within a calendar year (~~(for)~~) of a violation of the requirements and conditions of a permit issued under RCW 46.44.095 as now or hereafter amended, the permit shall be canceled, and the canceled permit shall be immediately transmitted by the court or the arresting officer to the department of (~~(highways, and for the purposes of this section bail forfeiture shall be considered to be a conviction)~~) transportation. The vehicle covered by such canceled permit shall not be eligible for a new permit for a period of thirty days.

(11) For the purposes of determining gross weights the actual scale weight taken by the arresting officer shall be prima facie evidence of such total gross weight.

The chief of the state patrol, with the advice of the (~~(state highway commission)~~) department, may adopt reasonable rules to aid in the enforcement of the provisions of this section.

Sec. 76. Section 1, chapter 1, Laws of 1973 1st ex. sess. as last amended by section 20, chapter 64, Laws of 1975-'76 2nd ex. sess. and RCW 46.44-.130 are each amended to read as follows:

The limitations of RCW 46.44.010, 46.44.020, 46.44.030, and 46.44.041 shall not apply to the movement of farm implements of less than forty-five thousand pounds gross weight, a total length of seventy feet or less, and a total outside width of fourteen feet or less when being moved while patrolled, flagged, lighted, signed, and at a time of day in accordance with rules hereby authorized to be adopted by the (~~(highway commission)~~) department of transportation and the statutes. Violation of a rule adopted by the (~~(highway commission)~~) department as authorized by this section or a term of this section is a (~~(misdemeanor)~~) traffic infraction.

Sec. 77. Section 2, chapter 1, Laws of 1973 1st ex. sess. and RCW 46-.44.140 are each amended to read as follows:

In addition to any other special permits authorized by law, special permits may be issued by the (~~(highway commission)~~) department of transportation for a quarterly or annual period upon such terms and conditions as it shall find proper for the movement of (1) farm implements used for the cutting or threshing of mature crops; or (2) other farm implements as may be identified by rule of the highway commission. Any farm implement moved under this section must have a gross weight less than forty-five thousand pounds and a total outside width of less than twenty feet while being moved and such movement must be patrolled, flagged, lighted, signed, at a time of day, and otherwise in accordance with rules hereby authorized to be adopted by the (~~(highway commission)~~) department for the control of such movements.

Applications for and permits issued under this section shall provide for a description of the farm implements to be moved, the approximate dates of movement, and the routes of movement so far as they are reasonably known

to the applicant at the time of application, but the permit shall not be limited to these circumstances but shall be general in its application except as limited by the statutes and rules adopted by the ~~((highway commission))~~ department.

A copy of the governing permit shall be carried on the farm implement being moved during the period of its movement. The ~~((highway commission))~~ department shall collect a fee as provided in RCW 46.44.0941.

Violation of a term or condition under which a permit was issued, or a rule adopted by the ~~((highway commission))~~ department as authorized by this section or a term of this section is a ~~((misdemeanor))~~ traffic infraction.

Sec. 78. Section 4, chapter 22, Laws of 1977 ex. sess. and RCW 46.44-.175 are each amended to read as follows:

Failure of any person or agent acting for a person who causes to be moved or moves a mobile home as defined in RCW 46.04.302 upon public highways of this state and ~~((who fails))~~ failure to comply with any of the provisions of RCW 46.44.170 and 46.44.173 is ~~((guilty of a misdemeanor and shall be fined))~~ a traffic infraction for which a penalty of not less than fifty dollars or more than one hundred dollars shall be assessed. In addition to the above ~~((fine))~~ penalty, the ~~((highway commission))~~ department of transportation or local authority may withhold issuance of a special permit or suspend a continuous special permit as provided by RCW 46.44.090 and 46.44.093 for a period of not less than thirty days.

Any person or agent who is denied a special permit or whose special permit is suspended may upon request receive a hearing before the ~~((highway commission))~~ department of transportation or the local authority having jurisdiction. The ~~((commission))~~ department or the local authority after such hearing may revise its previous action.

Sec. 79. Section 46.52.010, chapter 12, Laws of 1961 and RCW 46.52-.010 are each amended to read as follows:

The operator of any vehicle which collided with any other vehicle which is unattended shall immediately stop and shall then and there either locate and notify the operator or owner of such vehicle of the name and address of the operator and owner of the vehicle striking the unattended vehicle or shall leave in a conspicuous place in the vehicle struck a written notice, giving the name and address of the operator and of the owner of the vehicle striking such other vehicle.

The driver of any vehicle involved in an accident resulting only in damage to property fixed or placed upon or adjacent to any public highway shall take reasonable steps to locate and notify the owner or person in charge of such property of such fact and of the name and address of the operator and owner of the vehicle striking such property, or shall leave in a conspicuous place upon the property struck a written notice, giving the name and address of the operator and of the owner of the vehicle so striking the property, and such person shall further make report of such accident as in the case

of other accidents upon the public highways of this state. Any person violating the provisions of this section is guilty of a misdemeanor.

Sec. 80. Section 1, chapter 18, Laws of 1975-'76 2nd ex. sess. and RCW 46.52.020 are each amended to read as follows:

(1) A driver of any vehicle involved in an accident resulting in the injury to or death of any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall then forthwith return to, and in every event remain at, the scene of such accident until he has fulfilled the requirements of subdivision (3) of this section; every such stop shall be made without obstructing traffic more than is necessary;

(2) The driver of any vehicle involved in an accident resulting only in damage to a vehicle which is driven or attended by any person or damage to other property shall immediately stop such vehicle at the scene of such accident or as close thereto as possible and shall forthwith return to, and in any event shall remain at, the scene of such accident until he has fulfilled the requirements of subdivision (3) of this section; every such stop shall be made without obstructing traffic more than is necessary;

(3) Unless otherwise provided in subsection (6) of this section the driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle which is driven or attended by any person or damage to other property shall give his name, address, and vehicle license number and shall exhibit his vehicle driver's license to any person struck or injured or the driver or any occupant of, or any person attending, any such vehicle collided with and shall render to any person injured in such accident reasonable assistance, including the carrying or the making of arrangements for the carrying of such person to a physician or hospital for medical treatment if it is apparent that such treatment is necessary or if such carrying is requested by the injured person or on his behalf. Under no circumstances shall the rendering of assistance or other compliance with the provisions of this subsection be evidence of the liability of any driver for such accident;

(4) Any person failing to stop or to comply with any of the requirements of subdivision (3) of this section under said circumstances shall be guilty of a gross misdemeanor and, upon conviction, be punished by imprisonment for not less than thirty days nor more than one year or by a fine of not less than one hundred dollars nor more than five hundred dollars, or by both such fine and imprisonment: **PROVIDED**, That this provision shall not apply to any person injured or incapacitated by such accident to the extent of being physically incapable of complying herewith;

(5) The license or permit to drive or any nonresident privilege to drive of any person convicted under this section or any local ordinance consisting of substantially the same language as this section of failure to stop and give information or render aid following an accident with any vehicle driven or attended by any person shall be revoked by the department;

(6) In the event that none of the persons specified are in condition to receive the information to which they otherwise would be entitled under subsection (3) of this section, and no police officer is present, the driver of any vehicle involved in such accident after fulfilling all other requirements of subsections (1) and (3) of this section insofar as possible on his part to be performed, shall forthwith report such accident to the nearest office of the duly authorized police authority and submit thereto the information specified in subsection (3) of this section.

Sec. 81. Section 46.52.100, chapter 12, Laws of 1961 as last amended by section 163, chapter 158, Laws of 1979 and RCW 46.52.100 are each amended to read as follows:

Every justice of the peace, police judge, and clerk of superior court shall keep or cause to be kept a record of every traffic complaint, traffic citation, notice of infraction, or other legal form of traffic charge deposited with or presented to said justice of the peace, police judge, superior court, or a traffic violations bureau, and shall keep a record of every official action by said court or its traffic violations bureau in reference thereto, including but not limited to a record of every conviction, forfeiture of bail, judgment of acquittal, finding that a traffic infraction has been committed, dismissal of a notice of infraction, and the amount of fine ~~((or))~~, forfeiture, or penalty resulting from every said traffic complaint ~~((or))~~, citation, or notice of infraction deposited with or presented to the justice of the peace, police judge, superior court, or traffic violations bureau.

The Monday following the conviction ~~((or))~~, forfeiture of bail ~~((of a person upon a charge of violating))~~, or finding that a traffic infraction was committed for violation of any provisions of this chapter or other law regulating the operating of vehicles on highways, every said magistrate of the court or clerk of the court of record in which such conviction was had ~~((or))~~, bail was forfeited, or the finding made shall prepare and immediately forward to the director of licensing at Olympia an abstract of the record of said court covering the case ~~((in which said person was so convicted or forfeited bail))~~, which abstract must be certified by the person so required to prepare the same to be true and correct. Report need not be made of any ~~((conviction))~~ finding involving the illegal parking or standing of a vehicle.

Said abstract must be made upon a form furnished by the director and shall include the name and address of the party charged, the number, if any, of his driver's or chauffeur's license, the registration number of the vehicle involved, the nature of the offense, the date of hearing, the plea, the judgment, ~~((or))~~ whether bail forfeited, whether the determination that a traffic infraction was committed was contested, and the amount of the fine ~~((or))~~, forfeiture, or penalty as the case may be.

Every court of record shall also forward a like report to the director upon the conviction of any person of manslaughter or other felony in the commission of which a vehicle was used.

The failure of any such judicial officer to comply with any of the requirements of this section shall constitute misconduct in office and shall be grounds for removal therefrom.

The director shall keep all abstracts received hereunder at his office in Olympia and the same shall be open to public inspection during reasonable business hours.

Venue in all justice courts shall be before one of the two nearest justices of the peace in incorporated cities and towns nearest to the point the violation allegedly occurred: PROVIDED, That in counties of class A and of the first class such cases may be tried in the county seat at the request of the defendant.

It shall be the duty of the officer, prosecuting attorney, or city attorney signing the charge or information in any case involving a charge of driving under the influence of intoxicating liquor or any narcotic drug immediately to make request to the director for an abstract of convictions and forfeitures which the director shall furnish.

If a driver has a record of two or more convictions or forfeitures of the offense of operating a vehicle under the influence of or affected by the use of intoxicating liquor or any narcotic drug within a five year period, he shall, upon conviction, be fined not less than one hundred dollars and not more than one thousand dollars, and shall be sentenced to not less than thirty days and not more than one year in the county jail and neither fine nor sentence shall be suspended; and the court shall revoke the driver's license.

If the driver at the time of the offense charged was without a driver's license because of a previous suspension or revocation, the minimum mandatory jail sentence and fine shall be ninety days in the county jail and a two hundred dollar fine. The penalty so imposed shall not be suspended.

Sec. 82. Section 46.52.110, chapter 12, Laws of 1961 as last amended by section 166, chapter 158, Laws of 1979 and RCW 46.52.110 are each amended to read as follows:

It shall be the duty of the sheriff of every county, the chief of police or chief police officer of every incorporated city and town of this state, constables, and members of the Washington state patrol to report immediately to the chief of the Washington state patrol all motor vehicles reported to them as stolen or recovered, upon forms to be provided by the chief of the Washington state patrol.

In the event that any motor vehicle reported as stolen has been recovered, failure of the person so reporting the same as stolen ((shall be guilty of a misdemeanor unless he shall)) to report the recovery thereof to the sheriff, chief of police, or other chief police officer to whom such motor vehicle was reported as stolen is a traffic infraction.

Upon receipt of such information the chief of the Washington state patrol shall file the same in a "stolen vehicle index((-))." He shall also file any reports of vehicles stolen in other states and reported to him as such. It

shall be the duty of the chief of the Washington state patrol to keep a file record of all vehicles reported to him as recovered.

The chief of the Washington state patrol shall publish at least once a month a list of all vehicles reported as stolen and not reported as having been recovered and all abandoned vehicles and forward a copy of such list to every sheriff in this state, the chief of police or chief police officer of every incorporated city and town with a population in excess of three thousand inhabitants, each member of the Washington state patrol, and the cognizant state officer of each state in the United States.

Such information shall be provided by the chief of the Washington state patrol for the use of the director of licensing as will permit the director to check the motor or serial number set forth in any application for certificate of ownership or certificate of license registration against such "stolen vehicle index" and no such certificates shall be issued upon any vehicle recorded as stolen and the director shall immediately inform the chief of the Washington state patrol of any application upon any such vehicle.

It shall be the duty of the sheriff of every county, the chief of police or chief police officer of each incorporated city and town, members of the Washington state patrol, and constables to report to the chief of the Washington state patrol all vehicles or automobile hulks found abandoned on a public highway or at any other place and the same shall thereafter, at the direction of such law enforcement officer, be placed in the custody of a tow truck operator.

Sec. 83. Section 46.52.120, chapter 12, Laws of 1961 as last amended by section 1, chapter 356, Laws of 1977 ex. sess. and RCW 46.52.120 are each amended to read as follows:

It shall be the duty of the director to keep a case record on every motor vehicle driver licensed under the laws of this state, together with information on each, showing all the convictions and findings of traffic infractions certified by the courts and an index cross reference record of each accident reported relating to such individuals with a brief statement of the cause of such accident, which index cross reference record shall be furnished to the director by the chief of the Washington state patrol, with reference to each driver involved in the reported accidents. The case record shall be maintained in two parts. One part shall be the employment driving record of the person which shall include all motor vehicle accidents in which the person is involved while the person is driving a commercial motor vehicle as an employee of another (~~and~~), all convictions of the person for violation of the motor vehicle laws while the person is driving a commercial motor vehicle as an employee of another, and all findings that the person has committed a traffic infraction while the person is driving a commercial motor vehicle as an employee of another. The other part shall include all other accidents (~~and~~), convictions, and findings that the person has committed a traffic infraction. Such records shall be for the confidential use of the director and

the chief of the Washington state patrol and for such police officers or other cognizant public officials as may be designated by law. Such case records shall not be offered as evidence in any court except in case appeal is taken from the order of director, suspending, revoking, canceling, or refusing vehicle driver's license. It shall be the duty of the director to tabulate and analyze vehicle driver's case records and to suspend, revoke, cancel, or refuse any vehicle driver's license to any person when it is deemed from facts contained in the case record of such person that it is for the best interest of public safety that such person be denied the privilege of operating a motor vehicle. Whenever the director may order the vehicle driver's license of any such person suspended, revoked, or canceled, or shall refuse the issuance of vehicle driver's license, such suspension, revocation, cancellation, or refusal shall be final and effective unless appeal from the decision of the director shall be taken as provided by law.

Sec. 84. Section 27, chapter 21, Laws of 1961 ex. sess. as last amended by section 2, chapter 356, Laws of 1977 ex. sess. and RCW 46.52.130 are each amended to read as follows:

Any request for a certified abstract must specify which part is requested, and only the part requested shall be furnished. The employment driving record part shall be furnished only to the individual named in the abstract, an employer, the insurance carrier that has insurance in effect covering such employer, or a prospective employer. The other part shall be furnished only to the individual named in the abstract, the insurance carrier that has insurance in effect covering such named individual, or the insurance carrier to which such named individual has applied. The director, upon proper request, shall furnish a certified abstract covering the period of not more than three years last past, and such abstract whenever possible, shall include an enumeration of motor vehicle accidents in which such person was involved; the total number of vehicles involved; whether the vehicles were legally parked or moving; whether such vehicles were occupied at the time of the accident; and any reported convictions ((or)), forfeitures of bail, or findings that an infraction was committed based upon a violation of ((such person upon a charge of violating)) any motor vehicle law. Such enumeration shall include any reports of failure to appear in response to a traffic citation or failure to respond to a notice of infraction served upon such person by an arresting officer.

The abstract herein provided to an insurance company shall have excluded therefrom any information pertaining to any occupational driver's license when the same is issued to any person employed by another or self-employed as a motor vehicle driver who during the five years preceding the request has been issued such a license by reason of a conviction ((of)) or finding of a traffic infraction involving a motor vehicle offense outside the scope of his principal employment, and who has during such period been principally employed as a motor vehicle driver deriving the major portion of

his income therefrom. The abstract provided to the insurance company shall also exclude any information pertaining to law enforcement officers or fire fighters as defined in RCW 41.26.030, or any member of the Washington state patrol, while driving official vehicles in the performance of occupational duty during an emergency situation if the chief of the officer's or fire fighter's department certifies on the accident report that the actions of the officer or fire fighter were reasonable under the circumstances as they existed at the time of the accident.

The director shall collect for each such abstract the sum of one dollar fifty cents which shall be deposited in the highway safety fund.

Any insurance company or its agent receiving such certified abstract shall use it exclusively for its own underwriting purposes and shall not divulge any of the information therein contained to a third party: PROVIDED, That no policy of insurance shall be canceled on the basis of such information unless the policyholder was determined to be at fault: PROVIDED FURTHER, That no insurance company or its agent for underwriting purposes relating to the operation of commercial motor vehicles shall use any information contained in the abstract relative to any person's operation of motor vehicles while not engaged in such employment.

Any employer or prospective employer receiving such certified abstract shall use it exclusively for his own purpose to determine whether the licensee should be permitted to operate a commercial vehicle or school bus upon the public highways of this state and shall not divulge any information therein contained to a third party.

Any violation of this section shall be a gross misdemeanor.

Sec. 85. Section 59, chapter 155, Laws of 1965 ex. sess. as amended by section 67, chapter 32, Laws of 1967 and RCW 46.61.500 are each amended to read as follows:

(1) Any person who drives any vehicle in wilful or wanton disregard for the safety of persons or property is guilty of reckless driving. Violation of the provisions of this section is a misdemeanor.

(2) The license or permit to drive or any nonresident privilege of any person convicted of reckless driving shall be suspended by the department for not less than thirty days.

Sec. 86. Section 46.56.030, chapter 12, Laws of 1961 as amended by section 69, chapter 32, Laws of 1967 and RCW 46.61.525 are each amended to read as follows:

It shall be unlawful for any person to operate a motor vehicle in a negligent manner (~~over and along the public highways of this state~~). For the purpose of this section to "operate in a negligent manner" shall be construed to mean the operation of a vehicle (~~upon the public highways of this state~~) in such a manner as to endanger or be likely to endanger any persons or property: PROVIDED HOWEVER, That any person operating a

motor vehicle on private property with the consent of the owner in a manner consistent with the owner's consent shall not be guilty of negligent driving.

The offense of operating a vehicle in a negligent manner shall be considered to be a lesser offense than, but included in, the offense of operating a vehicle in a reckless manner, and any person charged with operating a vehicle in a reckless manner may be convicted of the lesser offense of operating a vehicle in a negligent manner. Any person violating the provisions of this section will be guilty of a misdemeanor: **PROVIDED**, That the director ~~((shall))~~ may not revoke any license under this section, and such offense is not punishable by imprisonment or by a fine exceeding two hundred fifty dollars.

Sec. 87. Section 46.48.050, chapter 12, Laws of 1961 and RCW 46.61-.530 are each amended to read as follows:

No person or persons ~~((shall))~~ may race any motor vehicle or motor vehicles upon any public highway of this state. Any person or persons ~~((guilty of comparing or contesting))~~ who wilfully compare or contest relative speeds by ~~((simultaneous))~~ operation ~~((s))~~ of one or more motor vehicles shall be guilty of racing, which shall constitute reckless driving under RCW 46.61.500, whether or not such speed is in excess of the maximum speed prescribed by law: **PROVIDED HOWEVER**, That any comparison or contest of the accuracy with which motor vehicles may be operated in terms of relative speeds not in excess of the posted maximum speed does not constitute racing.

Sec. 88. Section 46.48.060, chapter 12, Laws of 1961 and RCW 46.61-.535 are each amended to read as follows:

It shall be unlawful for any manufacturer, dealer, distributor, or any person, firm, or corporation to publish or advertise or offer for publication or advertisement, or to consent or cause to be published or advertised, the time consumed or speed attained by a vehicle between given points or over given or designated distances upon any public highways of this state when such published or advertised time consumed or speed attained shall indicate an average rate of speed between given points or over a given or designated distance in excess of the maximum rate of speed allowed between such points or at a rate of speed which would constitute reckless driving between such points. ~~((Conviction for a))~~ Violation of any of the provisions of this section shall be prima facie evidence of reckless driving and shall subject such person, firm, or corporation to the penalties in such cases provided.

Sec. 89. Section 46.56.100, chapter 12, Laws of 1961 and RCW 46.61-.665 are each amended to read as follows:

It shall be unlawful for any person to operate a motor vehicle upon the highways of this state when such person has in his or her embrace another person which prevents the free and unhampered operation of such vehicle.

~~((Any person so doing shall be deemed guilty))~~ Operation of a motor vehicle in violation of this section is prima facie evidence of reckless driving.

Sec. 90. Section 1, chapter 151, Laws of 1961 and RCW 46.61.680 are each amended to read as follows:

It is unlawful to operate any passenger motor vehicle which has been modified from the original design so that any portion of such passenger vehicle other than the wheels has less clearance from the surface of a level roadway than the clearance between the roadway and the lowermost portion of any rim of any wheel the tire on which is in contact with such roadway.

~~((Any person violating))~~ Violation of the provisions of this section
~~((shall be guilty of a misdemeanor))~~ is a traffic infraction.

Sec. 91. Section 1, chapter 259, Laws of 1961 and RCW 46.61.690 are each amended to read as follows:

Any person who operates a motor vehicle over a toll bridge, toll tunnel, toll road, or toll ferry, and the approaches thereto, operated by the state of Washington, the ~~((Washington toll bridge authority))~~ department of transportation, or any political subdivision or municipal corporation empowered to operate toll facilities, at the entrance to which appropriate signs have been erected to notify traffic that it is entering a toll facility or its approaches and is subject to the payment of tolls at the designated station for collecting tolls, ~~((shall be guilty of a misdemeanor))~~ commits a traffic infraction if:

(1) He refuses to pay, evades, or attempts to evade the payment of such tolls, or ~~((who shall))~~ uses or attempts to use any spurious or counterfeit tickets, coupons, or tokens for payment of any such tolls, or

(2) He turns, or attempts to turn, the vehicle around in the bridge, tunnel, loading terminal, approach, or toll plaza where signs have been erected forbidding such turns, or

(3) He refuses to pass through the toll gates after having come within the area where signs have been erected notifying traffic that it is entering the area where toll is collectible or where vehicles may not turn around and where vehicles are required to pass through the toll gates for the purpose of collecting tolls.

Sec. 92. Section 79, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.750 are each amended to read as follows:

(1) It is a ~~((misdemeanor))~~ traffic infraction for any person to do any act forbidden or fail to perform any act required in RCW 46.61.750 through 46.61.780.

(2) These regulations applicable to bicycles shall apply whenever a bicycle is operated upon any highway or upon any path set aside for the exclusive use of bicycles subject to those exceptions stated herein.

Sec. 93. Section 46.64.050, chapter 12, Laws of 1961 as amended by section 3, chapter 95, Laws of 1975-'76 2nd ex. sess. and RCW 46.64.050 are each amended to read as follows:

It (~~shall be a misdemeanor~~) is a traffic infraction for any person to violate any of the provisions of this title unless violation is by this title or other law of this state declared to be a felony, a gross misdemeanor, or a (~~violation~~) misdemeanor.

Unless another penalty is in this title provided, every person convicted of a misdemeanor for violation of any provisions of this title shall be punished accordingly.

Sec. 94. Section 4, chapter 284, Laws of 1971 ex. sess. as amended by section 1, chapter 62, Laws of 1979 and RCW 46.65.020 are each amended to read as follows:

As used in this chapter, unless a different meaning is plainly required by the context, an habitual offender shall mean any person, resident or nonresident, who has accumulated convictions or findings that the person committed a traffic infraction as defined in RCW 46.20.270 as now or hereafter amended, or, if a minor, shall have violations recorded with the department of licensing, for separate and distinct offenses as described in either subsection (1) or (2) below committed within a five-year period, as evidenced by the records maintained in the department of licensing: PROVIDED, That where more than one described offense shall be committed within a six-hour period such multiple offenses shall, on the first such occasion, be treated as one offense for the purposes of this chapter:

(1) Three or more convictions, singularly or in combination, of the following offenses:

- (a) Negligent homicide as defined in RCW 46.61.520;
- (b) Driving or operating a motor vehicle while under the influence of intoxicants or drugs;
- (c) Driving a motor vehicle while his or her license, permit, or privilege to drive has been suspended or revoked;
- (d) Failure of the driver of any vehicle involved in an accident resulting in the injury or death of any person or damage to any vehicle which is driven or attended by any person to immediately stop such vehicle at the scene of such accident or as close thereto as possible and to forthwith return to and in every event remain at, the scene of such accident until he has fulfilled the requirements of RCW 46.52.020 as now or hereafter amended; or
- (e) Reckless driving as defined in RCW 46.61.500 as now or hereafter amended;

(2) Twenty or more convictions or findings that the person committed a traffic infraction for separate and distinct offenses, singularly or in combination, in the operation of a motor vehicle which are required to be reported to the department of licensing other than the offenses of driving with an expired driver's license and not having a driver's license in the operator's

immediate possession. Such convictions or findings shall include those for offenses enumerated in subsection (1) above when taken with and added to those offenses described herein but shall not include convictions or findings for any nonmoving violation. No person (~~shall~~) may be considered an habitual offender under this subsection unless at least three convictions have occurred within the three hundred sixty-five days immediately preceding the last conviction.

The offenses included in subsections (1) and (2) hereof shall be deemed to include offenses under any valid town, city, or county ordinance substantially conforming to the provisions cited in said subsections (1) and (2) or amendments thereto, and any federal law, or any law of another state, including subdivisions thereof, substantially conforming to the aforesaid state statutory provisions.

Sec. 95. Section 5, chapter 284, Laws of 1971 ex. sess. as amended by section 2, chapter 62, Laws of 1979 and RCW 46.65.030 are each amended to read as follows:

The director of the department of licensing shall certify three transcripts or abstracts of the (~~conviction~~) record of convictions and findings of traffic infractions as maintained by the department of licensing of any person whose record brings him or her within the definition of an habitual offender, as defined in RCW 46.65.020, to the hearing officer appointed in the event a hearing is requested. Such transcript or abstract may be admitted as evidence in any hearing or court proceeding and shall be prima facie evidence that the person named therein was duly convicted by the court wherein such conviction or holding was made of each offense shown by such transcript or abstract; and if such person shall deny any of the facts as stated therein, he or she shall have the burden of proving that such fact is untrue.

Sec. 96. Section 46.76.080, chapter 12, Laws of 1961 and RCW 46.76-.080 are each amended to read as follows:

The violation of any provision of this chapter (~~shall be a misdemeanor~~) is a traffic infraction. In addition to any other penalty imposed upon a violator of the provisions of this chapter, the director may confiscate any transporter license plates used in connection with such violation.

Sec. 97. Section 2, chapter 9, Laws of 1970 ex. sess. as amended by section 1, chapter 26, Laws of 1971 ex. sess. and RCW 46.81.030 are each amended to read as follows:

There shall be levied and paid into the traffic safety education account of the general fund of the state treasury a penalty assessment in addition to the penalty, fine, or bail forfeiture on all offenses involving a violation of a state statute or city or county ordinance relating to the operation or use of motor vehicles or the licensing of vehicle operators, except offenses relating to parking of vehicles, in the following amounts:

(1) Where a fine or penalty is imposed, five dollars for each twenty dollars of fine, or fraction thereof.

(2) If bail is forfeited, five dollars for each twenty dollars of bail, or fraction thereof.

(3) Where multiple offenses are involved, the penalty assessment shall be based on the total penalty, fine, or bail forfeited for all offenses.

Notwithstanding, the provisions contained in chapters 3.62 and 3.16 RCW, or any other section, all moneys derived from penalty assessments made under this section shall be forwarded to the traffic safety education account of the general fund of the state treasury and shall be used exclusively for traffic safety education.

Where a fine or penalty is suspended, in whole or in part, the penalty assessment shall be levied in accordance with the fine or penalty actually imposed.

Sec. 98. Section 46.83.060, chapter 12, Laws of 1961 and RCW 46.83-.060 are each amended to read as follows:

Every person required to attend a traffic school as established under the provisions of this chapter shall maintain attendance in accordance with the sentence or order. Failure so to do, unless for good cause shown by clear and convincing evidence, ~~((shall be a misdemeanor and punishable as by law provided in addition to the imposition of any punishment suspended or deferred upon the original conviction))~~ is a traffic infraction.

Sec. 99. Section 25, chapter 106, Laws of 1963 and RCW 46.85.250 are each amended to read as follows:

Each "floater" license plate may be used interchangeably upon any semitrailer, not exceeding the maximum gross weight, for which such license is issued, owned by, or in the possession of the licensee. Such "floater" plates shall be valid only for intracity operations.

Every violation of this section ~~((shall be punishable as a misdemeanor))~~ is a traffic infraction, and every peace officer witnessing any use of any "floater" license plate outside of incorporated cities or towns shall confiscate such plate and forthwith return it to the director.

Sec. 100. Section 54, chapter 54, Laws of 1975 1st ex. sess. and RCW 46.90.345 are each amended to read as follows:

It shall be the duty of the chief of police to report immediately to the chief of the Washington state patrol all motor vehicles reported to them as stolen or recovered, upon forms to be provided by the chief of the Washington state patrol.

In the event that any motor vehicle reported as stolen has been recovered, failure of the person so reporting the same as stolen ~~((shall be guilty of a misdemeanor unless he shall))~~ to report the recovery thereof to the chief of police to whom such motor vehicle was reported as stolen is a traffic infraction.

It shall be the duty of the chief of police to report to the chief of the Washington state patrol all vehicles or automobile hulks found abandoned on a highway or at any other place and the same shall, at the direction of a law enforcement officer, be placed in the custody of a registered disposer.

Sec. 101. Section 102, chapter 54, Laws of 1975 1st ex. sess. and RCW 46.90.560 are each amended to read as follows:

~~((Every person convicted of a))~~ Violation of any provision of RCW 46.90.500 through 46.90.540 ((shall be guilty of a misdemeanor)) is a traffic infraction.

Sec. 102. Section 31, chapter 145, Laws of 1967 ex. sess. and RCW 47.38.030 are each amended to read as follows:

Any person violating RCW 47.38.020 or any rule or regulation adopted or promulgated pursuant to RCW 47.38.020 above shall be guilty of a misdemeanor: PROVIDED, That violation of a rule or regulation relating to traffic including parking, standing, stopping, and pedestrian offenses is a traffic infraction, except that violation of a rule or regulation equivalent to those provisions of Title 46 RCW set forth in section 2 of this 1979 act remains a misdemeanor.

Sec. 103. Section 1, chapter 38, Laws of 1961 and RCW 53.08.220 are each amended to read as follows:

A port district may formulate all needful regulations for the use by tenants, agents, servants, licensees, invitees, suppliers, passengers, customers, shippers, business visitors, and members of the general public of any properties or facilities owned or operated by it, and request the adoption, amendment, or repeal of such regulations as part of the ordinances of the city or town in which such properties or facilities are situated, or as part of the resolutions of the county, if such properties or facilities be situated outside any city or town. The port commission shall make such request by resolution after holding a public hearing on the proposed regulations, of which at least ten days' notice shall be published in a legal newspaper of general circulation in the port district. Such regulations must conform to and be consistent with federal and state law. As to properties or facilities situated within a city or town, such regulations must conform to and be consistent with the ordinances of the city or town. As to properties or facilities situated outside any city or town, such regulations must conform to and be consistent with county resolutions. Upon receiving such request, the governing body of the city, town, or county, as the case may be, may adopt such regulations as part of its ordinances or resolutions, or amend or repeal such regulations in accordance with the terms of the request. Any violation of such regulations shall constitute a misdemeanor which shall be redressed in the same manner as other police regulations of the city, town, or county, and it shall be the duty of all law enforcement officers to enforce such regulations accordingly: PROVIDED, That violation of a regulation relating to

traffic including parking, standing, stopping, and pedestrian offenses is a traffic infraction, except that violation of a regulation equivalent to those provisions of Title 46 RCW set forth in section 2 of this 1979 act remains a misdemeanor.

Sec. 104. Section 32, chapter 302, Laws of 1971 ex. sess. and RCW 70-108.130 are each amended to read as follows:

Any person who shall wilfully fail to comply with the rules, regulations, and conditions set forth in this chapter or who shall aid or abet such a violation or failure to comply, shall be deemed guilty of a gross misdemeanor; PROVIDED, That violation of a rule, regulation, or condition relating to traffic including parking, standing, stopping, and pedestrian offenses is a traffic infraction, except that violation of a rule, regulation, or condition equivalent to those provisions of Title 46 RCW set forth in section 2 of this 1979 act is a misdemeanor.

Sec. 105. Section 4, chapter 67, Laws of 1921 as amended by section 3, chapter 143, Laws of 1923 and RCW 76.04.480 are each amended to read as follows:

Any person violating or failing to comply with any rules or regulations of the ~~((director of conservation and development through and by means of the division of forestry,))~~ department of natural resources made under the provisions of ~~((this act))~~ RCW 76.04.460, shall be guilty of a misdemeanor; PROVIDED, That violation of a rule or regulation relating to traffic including parking, standing, stopping, and pedestrian offenses is a traffic infraction, except that violation of a rule or regulation equivalent to those provisions of Title 46 RCW set forth in section 2 of this 1979 act remains a misdemeanor.

Sec. 106. Section 81.68.080, chapter 14, Laws of 1961 and RCW 81-68.080 are each amended to read as follows:

Every officer, agent, or employee of any corporation, and every other person who violates or fails to comply with, or who procures, aids, or abets in the violation of any provisions of this chapter, or who fails to obey, observe, or comply with any order, decision, rule or regulation, direction, demand, or requirement, or any part of provision thereof, is guilty of a gross misdemeanor and punishable as such; PROVIDED, That violation of an order, decision, rule or regulation, direction, demand, or requirement relating to traffic including parking, standing, stopping, and pedestrian offenses is a traffic infraction, except that violation of an order, decision, rule or regulation, direction, demand, or requirement equivalent to those provisions of Title 46 RCW set forth in section 2 of this 1979 act is a misdemeanor.

Sec. 107. Section 18, chapter 150, Laws of 1965 and RCW 81.70.170 are each amended to read as follows:

Every person who knowingly or wilfully violates or fails to comply with or who knowingly or wilfully procures, aids, or abets in the violation of any

provisions of this chapter or who knowingly or wilfully fails to obey or comply with any order, decision, rule, regulation, direction, demand, or requirement of the commission or any part or provisions thereof is guilty of a gross misdemeanor: PROVIDED, That violation of an order, decision, rule, regulation, direction, demand, or requirement relating to traffic including parking, standing, stopping, and pedestrian offenses is a traffic infraction, except that violation of an order, decision, rule, regulation, direction, demand, or requirement equivalent to those provisions of Title 46 RCW set forth in section 2 of this 1979 act is a misdemeanor.

NEW SECTION. Sec. 108. Sections 1 through 3 and 6 through 14 of this 1979 act shall constitute a new chapter in Title 46 RCW.

NEW SECTION. Sec. 109. Section 2, chapter 155, Laws of 1965 ex. sess., section 1, chapter 95, Laws of 1975-'76 2nd ex. sess. and RCW 46.61.010 are each repealed.

NEW SECTION. Sec. 110. 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. 111. The provisions of this act shall take effect on July 1, 1980, and shall apply to violations of the traffic laws committed on or after July 1, 1980.

Passed the House April 24, 1979.

Passed the Senate April 11, 1979.

Approved by the Governor May 7, 1979.

Filed in Office of Secretary of State May 7, 1979.

CHAPTER 137

[Substitute House Bill No. 133]

SEWER, WATER DISTRICTS—CONSTRUCTION CONTRACTS, AWARD OF

AN ACT Relating to special purpose districts; amending section 44, chapter 210, Laws of 1941 as last amended by section 1, chapter 64, Laws of 1975 1st ex. sess. and RCW 56.08.070; and amending section 21, chapter 114, Laws of 1929 as last amended by section 2, chapter 64, Laws of 1975 1st ex. sess. and RCW 57.08.050.

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

Section 1. Section 44, chapter 210, Laws of 1941 as last amended by section 1, chapter 64, Laws of 1975 1st ex. sess. and RCW 56.08.070 are each amended to read as follows:

(1) All materials purchased and work ordered, the estimated cost of which is in excess of ~~((two))~~ five thousand ~~((five hundred))~~ dollars shall be let by contract. All contract projects, the estimated cost of which is less than ~~((five))~~ twelve thousand five hundred dollars, may be awarded ~~((with-out bid))~~ to a contractor on the small works roster. The small works roster

shall be comprised of ~~((at least five))~~ all responsible contractors who have requested to be on the list. The board of sewer commissioners may set up uniform procedures to prequalify contractors for inclusion on the small works roster. ~~((The board of sewer commissioners shall distribute the number of project offers as equally as possible among the contractors on the small works roster.))~~ The board of sewer commissioners shall authorize by resolution a procedure for securing telephone and/or written quotations from the contractors on the small works roster to assure establishment of a competitive price and for awarding contracts to the lowest responsible bidder. Such procedure shall require that a good faith effort be made to request quotations from all contractors on the small works roster. Immediately after an award is made, the bid quotations obtained shall be recorded, open to public inspection, and available by telephone inquiry. The small works roster shall be revised every six months. All contract projects equal to or in excess of ~~((five))~~ twelve thousand five hundred dollars shall be let by competitive bidding. Before awarding any competitive contract the board of sewer commissioners shall cause a notice to be published in ~~((the))~~ a newspaper~~((s))~~ in general circulation where the district is located at least once, ten days before the letting of such contract, inviting sealed proposals for such work, plans and specifications which must at the time of publication of such notice be on file in the office of the board of sewer commissioners subject to public inspection. Such notice shall state generally the work to be done and shall call for proposals for doing the same to be sealed and filed with the board of sewer commissioners on or before the day and hour named therein.

(2) Each bid shall be accompanied by a bid proposal deposit in the form of a certified check, cashier's check, postal money order, or surety bond payable to the order of the county treasurer for a sum not less than five percent of the amount of the bid and no bid shall be considered unless accompanied by such bid proposal deposit. At the time and place named such bids shall be publicly opened and read and the board of sewer commissioners shall proceed to canvass the bids and may let such contract to the lowest responsible bidder upon plans and specifications: **PROVIDED**, That no contract shall be let in excess of the cost of said materials or work, or if in the opinion of the board of sewer commissioners all bids are unsatisfactory they may reject all of them and readvertise and in such case all checks, cash or bid bonds shall be returned to the bidders. If such contract be let, then ~~((and in such case))~~ all checks, cash or bid bonds shall be returned to the bidders, except that of the successful bidder, which shall be retained until a contract shall be entered into for the purchase of such materials or doing such work, and a bond to perform such work furnished with sureties satisfactory to the board of sewer commissioners in the full amount of the contract price between the bidder and the commission in accordance with bid. If said bidder fails to enter into said contract in accordance with said bid

and furnish such bond within ten days from the date at which he is notified that he is the successful bidder, the said check, cash or bid bonds and the amount thereof shall be forfeited to the sewer district.

(3) In the event of an emergency when the public interest or property of the sewer district would suffer material injury or damage by delay, upon resolution of the board of sewer commissioners, or proclamation of an official designated by the board to act for the board during such emergencies, declaring the existence of such emergency and reciting the facts constituting the same, the board, or the official acting for the board, may waive the requirements of this chapter with reference to any purchase or contract.

Sec. 2. Section 21, chapter 114, Laws of 1929 as last amended by section 2, chapter 64, Laws of 1975 1st ex. sess. and RCW 57.08.050 are each amended to read as follows:

(1) The board of water commissioners shall have authority to create and fill such positions and fix salaries and bonds thereof as it may by resolution provide.

(2) All materials purchased and work ordered, the estimated cost of which is in excess of ~~((two))~~ five thousand ~~((five hundred))~~ dollars shall be let by contract. All contract projects, the estimated cost of which is less than ~~((five))~~ twelve thousand five hundred dollars, may be awarded ~~((without bid))~~ to a contractor on the small works roster. The small works roster shall be comprised of ~~((at least five))~~ all responsible contractors who have requested to be on the list. The board of water commissioners may set up uniform procedures to prequalify contractors for inclusion on the small works roster. ~~((The board of water commissioners shall distribute the number of project offers as equally as possible among the contractors on the small works roster.))~~ The board of water commissioners shall authorize by resolution a procedure for securing telephone and/or written quotations from the contractors on the small works roster to assure establishment of a competitive price and for awarding contracts to the lowest responsible bidder. Such procedure shall require that a good faith effort be made to request quotations from all contractors on the small works roster. Immediately after an award is made, the bid quotations obtained shall be recorded, open to public inspection, and available by telephone inquiry. The small works roster shall be revised every six months. All contract projects equal to or in excess of ~~((five))~~ twelve thousand five hundred dollars shall be let by competitive bidding. Before awarding any such contract the board of water commissioners shall cause a notice to be published in ~~((the))~~ a newspaper~~((s))~~ in general circulation ~~((throughout the county))~~ where the district is located at least once ten days before the letting of such contract, inviting sealed proposals for such work, plans and specifications which must at the time of publication of such notice be on file in the office of the board of water commissioners subject to public inspection. Such notice shall state generally the work to be done and shall call for proposals for doing the

same to be sealed and filed with the board of water commissioners on or before the day and hour named therein.

(3) Each bid shall be accompanied by a certified or cashier's check or postal money order payable to the order of the county treasurer for a sum not less than five percent of the amount of the bid, or accompanied by a bid bond in an amount not less than five percent of the bid with a corporate surety licensed to do business in the state, conditioned that the bidder will pay the district as liquidated damages the amount specified in the bond, unless he enters into a contract in accordance with his bid, and no bid shall be considered unless accompanied by such check, cash or bid bond. At the time and place named such bids shall be publicly opened and read and the board of water commissioners shall proceed to canvass the bids and may let such contract to the lowest responsible bidder upon plans and specifications on file or to the best bidder submitting his own plans and specifications: PROVIDED, That no contract shall be let in excess of the cost of said materials or work, or if in the opinion of the board of water commissioners all bids are unsatisfactory they may reject all of them and readvertise and in such case all checks, cash or bid bonds shall be returned to the bidders(~~(;~~ ~~but~~)). If such contract be let, then ((and in such case)) all checks, cash or bid bonds shall be returned to the bidders, except that of the successful bidder, which shall be retained until a contract shall be entered into for the purchase of such materials or doing such work, and a bond to perform such work furnished with sureties satisfactory to the board of water commissioners in the full amount of the contract price between the bidder and the commission in accordance with the bid. If said bidder fails to enter into said contract in accordance with said bid and furnish such bond within ten days from the date at which he is notified that he is the successful bidder, the said check, cash or bid bonds and the amount thereof shall be forfeited to the water district: PROVIDED, That if the bidder fails to enter into a contract in accordance with his bid, and the board of water commissioners deems it necessary to take legal action to collect on any bid bond required herein, then(~~(;~~ ~~in such event;~~)) the water district shall be entitled to collect from said bidder any legal expenses, including reasonable attorneys' fees occasioned thereby.

(4) In the event of an emergency when the public interest or property of the water district would suffer material injury or damage by delay, upon resolution of the board of water commissioners, or proclamation of an official designated by the board to act for the board during such emergencies, declaring the existence of such emergency and reciting the facts constituting

the same, the board, or official acting for the board, may waive the requirements of this chapter with reference to any purchase or contract.

Passed the House April 25, 1979.

Passed the Senate April 19, 1979.

Approved by the Governor May 7, 1979.

Filed in Office of Secretary of State May 7, 1979.

CHAPTER 138

[Substitute House Bill No. 535]

NONPROFIT CONSOLIDATED SHIPPING ASSOCIATIONS—REGULATION
EXEMPTION

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

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

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

(1) Except as provided in subsections (2) and (3) of this section, the provisions of this chapter shall not apply to the operations of a shipper or a group or association of shippers in consolidating or distributing freight for themselves or for their members on a nonprofit basis for the purpose of securing the benefits of carload, truckload, or other volume rates, when the services of a common carrier are used for the transportation of such shipments.

(2) Every shipper or group or association of shippers claiming this exemption shall file with the commission on an annual basis a statement of nonprofit status and such proof of that status as the commission may by rule require.

(3) The commission may examine the books and records of any shipper or group or association of shippers claiming exemption under this section solely for the purpose of investigating violations of this section.

Passed the House March 29, 1979.

Passed the Senate April 25, 1979.

Approved by the Governor May 7, 1979.

Filed in Office of Secretary of State May 7, 1979.

CHAPTER 139

[Substitute House Bill No. 619]

LEGEND DRUGS—PRESCRIPTION—IDENTIFICATION

AN ACT Relating to legend drugs; amending section 1, chapter 186, Laws of 1973 1st ex. sess. and RCW 69.41.010; amending section 3, chapter 186, Laws of 1973 1st ex. sess. as amended by section 1, chapter 69, Laws of 1977 and RCW 69.41.030; adding a new section to chapter 69.41 RCW; and declaring an emergency.

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

Section 1. Section 1, chapter 186, Laws of 1973 1st ex. sess. and RCW 69.41.010 are each amended to read as follows:

As used in this chapter:

(1) "Administer" means the direct application of a legend drug whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by:

- (a) A practitioner; or
- (b) The patient or research subject at the direction of the practitioner.

(2) "Deliver" or "delivery" means the actual, constructive, or attempted transfer from one person to another of a legend drug, whether or not there is an agency relationship.

(3) "Dispense" means to deliver a legend drug 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.

(4) "Dispenser" means a practitioner who dispenses.

(5) "Distribute" means to deliver other than by administering or dispensing a legend drug.

(6) "Distributor" means a person who distributes.

(7) "Drug" means:

(a) 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;

(b) Substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals;

(c) Substances (other than food, minerals or vitamins) intended to affect the structure or any function of the body of man or animals; and

(d) Substances intended for use as a component of any article specified in clause (a), (b), or (c) of this subsection. It does not include devices or their components, parts, or accessories.

(8) "Legend drugs" means any drugs which are required by (~~any applicable federal or~~) state law or regulation of the state board of pharmacy to be dispensed on prescription only or are restricted to use by practitioners only.

(9) "Person" means individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.

(10) "Practitioner" means:

(a) A physician under chapter 18.71 RCW, an osteopathic physician or an osteopathic physician and surgeon under chapter 18.57 RCW, a dentist under chapter 18.32 RCW, a podiatrist 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, an osteopathic

physician's assistant under chapter 18.57A RCW, or a physician's assistant under chapter 18.71A RCW, or a pharmacist under chapter 18.64 RCW.

(b) A pharmacy, hospital or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a legend drug in the course of professional practice or research in this state.

Sec. 2. Section 3, chapter 186, Laws of 1973 1st ex. sess. as amended by section 1, chapter 69, Laws of 1977 and RCW 69.41.030 are each amended to read as follows:

It shall be unlawful for any person to sell, deliver, or possess any legend drug except upon the order or prescription of a physician under chapter 18.71 RCW, an osteopathic physician or an osteopathic physician and surgeon under chapter 18.57 RCW, a dentist under chapter 18.32 RCW, a podiatrist under chapter 18.22 RCW, a veterinarian under chapter 18.92 RCW, a commissioned medical or dental officer in the United States armed forces, marine hospital service, or public health service in the discharge of his official duties, a duly licensed physician or dentist employed by the veterans administration in the discharge of his official duties, a registered nurse under chapter 18.88 RCW when authorized by the board of nursing, an osteopathic physician's assistant under chapter 18.57A RCW when authorized by the committee of osteopathic examiners, a physician's assistant under chapter 18.71A RCW when authorized by the board of medical examiners, or a physician licensed to practice medicine and surgery or a physician licensed to practice osteopathy and surgery in any state or province of Canada which shares a common border with the state of Washington: PROVIDED, HOWEVER, That the above provisions shall not apply to sale, delivery, or possession by drug wholesalers or drug manufacturers, or their agents or employees, or to any practitioner acting within the scope of his license, or to a common or contract carrier or warehouseman, or any employee thereof, whose possession of any legend drug is in the usual course of business or employment.

NEW SECTION. Sec. 3. There is added to chapter 69.41 RCW a new section to read as follows:

The state board of pharmacy may make such rules for the enforcement and administration of this chapter as are deemed necessary or advisable. The board shall identify, by rule-making pursuant to chapter 34.04 RCW, those drugs which may be dispensed only on prescription or are restricted to use by practitioners, only. In so doing the board shall consider the toxicity or other potentiality for harmful effect of the drug, the method of its use, and any collateral safeguards necessary to its use. The board shall classify a drug as a legend drug where these considerations indicate the drug is not safe for use except under the supervision of a practitioner.

In identifying legend drugs the board may incorporate in its rules lists of drugs contained in commercial pharmaceutical publications by making specific reference to each such list and the date and edition of the commercial publication containing it. Any such lists so incorporated shall be available for public inspection at the headquarters of the state board of pharmacy and shall be available on request from the board upon payment of a reasonable fee to be set by the board.

NEW SECTION. Sec. 4. This 1979 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 25, 1979.

Passed the Senate April 24, 1979.

Approved by the Governor May 7, 1979.

Filed in Office of Secretary of State May 7, 1979.

CHAPTER 140

[House Bill No. 666]

SCHOOLS—INTERDISTRICT TRANSFER OF STUDENTS—FOOD SERVICE PROGRAM, PRIVATE AGENCY OPERATION

AN ACT Relating to education; and amending section 28A.58.225, chapter 223, Laws of 1969 ex. sess. as last amended by section 111, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.58.225; amending section 28A.58.136, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 58, Laws of 1979 and RCW 28A.58.136; creating new sections; and declaring an emergency.

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

Section 1. Section 28A.58.225, chapter 223, Laws of 1969 ex. sess. as last amended by section 111, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.58.225 are each amended to read as follows:

A local district may be authorized by the educational service district superintendent to transport and educate its pupils in ~~((another district))~~ other districts for one year, either by payment of a compensation agreed upon by such school districts, or under other terms mutually satisfactory to the districts concerned when this will afford better educational facilities for the pupils and when a saving may be effected in the cost of education; PROVIDED, That notwithstanding any other provision of law, the amount to be paid by the state to the resident school district for apportionment purposes and otherwise payable pursuant to chapter 28A.41 RCW shall not be greater than the regular apportionment for each high school student of the receiving district. Such authorization may be extended for an additional year at the discretion of the educational service district superintendent.

NEW SECTION. Sec. 2. Any school district which utilized the provisions of RCW 28A.58.225 in the 1978-79 school year shall be hereafter

authorized by the appropriate educational service district superintendent to transport and educate its pupils in other school districts pursuant to the provisions of RCW 28A.58.225 through the 1984-85 school year. This section shall be null and void and of no further effect after July 31, 1985.

Sec. 3. Section 28A.58.136, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 58, Laws of 1979 and RCW 28A.58.136 are each amended to read as follows:

The directors of any school district may establish, equip and operate lunchrooms in school buildings for pupils, certificated and noncertificated employees, and for school or employee functions: PROVIDED, That the expenditures for food supplies shall not exceed the estimated revenues from the sale of lunches, federal lunch aid, Indian education fund lunch aid, or other anticipated revenue, including donations, to be received for that purpose: PROVIDED FURTHER, That the directors of any school district may provide for the use of kitchens and lunchrooms or other facilities in school buildings to furnish meals to elderly persons at cost as provided in RCW 28A.58.722: PROVIDED, FURTHER, That the directors of any school district may provide for the use of kitchens and lunchrooms or other facilities in school buildings to furnish meals at cost as provided in section 2 ((of this amendatory act)), chapter 58, Laws of 1979 to children who are participating in educational or training or care programs or activities conducted by private, nonprofit organizations and entities and to students who are attending private elementary and secondary schools. Operation for the purposes of this section shall include the employment and discharge for sufficient cause of personnel necessary for preparation of food or supervision of students during lunch periods and fixing their compensation, payable from the district general fund, or entering into agreement with a private agency for the ((preparation and service of food by a private agency)) establishment, management and/or operation of a food service program or any part thereof.

NEW SECTION. Sec. 4. 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. 5. 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 25, 1979.

Passed the Senate April 9, 1979.

Approved by the Governor May 7, 1979.

Filed in Office of Secretary of State May 7, 1979.

CHAPTER 141

[House Bill No. 781]

GEODUCK HARVESTING—LICENSING—LEASES—SAFETY STANDARDS

AN ACT Relating to shellfish; amending section 1, chapter 253, Laws of 1969 ex. sess. and RCW 75.24.100; amending section 6, chapter 309, Laws of 1959 as amended by section 6, chapter 283, Laws of 1971 ex. sess. and RCW 75.28.087; amending section 75.28.280, chapter 12, Laws of 1955 as last amended by section 3, chapter 253, Laws of 1969 ex. sess. and RCW 75.28.280; amending section 4, chapter 253, Laws of 1969 ex. sess. and RCW 75.28.287; adding new sections to chapter 75.28 RCW; adding a new section to chapter 79.01 RCW; prescribing penalties; and declaring an emergency.

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

Section 1. Section 1, chapter 253, Laws of 1969 ex. sess. and RCW 75.24.100 are each amended to read as follows:

(1) The director of fisheries may at his discretion and with the approval of the commissioner of public lands issue licenses for the harvesting of geoduck clams for commercial purposes from ~~((leased))~~ specific tracts of beds of navigable waters of the state of Washington for which harvest rights have been granted by the department of natural resources except that he may not authorize harvesting for commercial purposes on bottoms which are shallower than ~~((ten))~~ eighteen feet below mean lower low water (o.o. ft.), or which lie in an area bounded by the line of ordinary high tide (mean high tide) and a line ~~((one-quarter mile))~~ two hundred yards seaward from and parallel to said line of ordinary high tide. If the director shall determine that the numbers of units of gear are sufficient to harvest the known available crop and that additional units of gear might prove damaging to the resource or its habitat, he may suspend the issuance of such additional licenses for the balance of any given year or until he determines there is need for additional units of gear to achieve a sustained harvest. All harvesting shall be done with hand held, manually operated water jet or suction device guided and controlled from under water by scuba or other diver. The director shall also determine from time to time the effect of each type or unit of gear upon the geoduck population or the substrate they inhabit and he may require modification of the gear or cessation of its use if he determines that it is being operated in a wasteful or destructive manner or that its operation tends to cause permanent damage to the bottom or adjacent shellfish populations.

(2) Any person, including the person's agents or representatives, who is issued or currently holds a license under subsection (1) of this section shall comply with all applicable commercial diving safety standards and regulations promulgated and implemented by the federal occupational safety and health administration established under the federal occupational safety and health act of 1970 as such law exists on the effective date of this act (84 Stat. 1590 et seq.; 29 U.S.C. Sec. 651 et seq.). Violations of these safety

standards and regulations shall be deemed to be violations of this subsection: PROVIDED, That for the purposes of this section and section 8 of this 1979 act all persons who dive for geoducks are deemed to be "employees" as defined by the federal occupational safety and health act. Violations of this subsection are grounds for suspension or cancellation of the license upon ten days written notice to the licensee and following a hearing on the matter. In no event shall a license be suspended or canceled if the violation has been corrected within ten days. If there is a substantial probability that a particular violation of the commercial diving standards could result in death or serious physical harm to any person engaged in harvesting geoduck clams, the license shall be suspended immediately until the violation causing the probability of death or serious physical harm has been corrected: PROVIDED FURTHER, That for the purposes of this subsection, if the licensee is the holder of a tract license and contracts with another entity for the harvesting of geoducks, the license shall not be suspended or canceled if the licensee terminates its business relationship with such entity until compliance with this subsection is secured.

Sec. 2. Section 6, chapter 309, Laws of 1959 as amended by section 6, chapter 283, Laws of 1971 ex. sess. and RCW 75.28.087 are each amended to read as follows:

Every owner of a commercial fishing vessel shall obtain an annual commercial fishing license, not otherwise provided for in this chapter, for the taking of food fish and shellfish within the state of Washington: PROVIDED, That holders of commercial salmon fishing licenses as set forth in this chapter may retain incidently caught food fish other than salmon, and: PROVIDED, FURTHER, That licensed oyster (~~and~~) farmers, clam farmers, geoduck harvesters, and clam harvesters are not subject to this section. The fees for commercial fishing licenses required in this section shall be in the amounts set forth in this chapter prescribed by the type gear employed in the taking of food fish and shellfish.

Sec. 3. Section 75.28.280, chapter 12, Laws of 1955 as last amended by section 3, chapter 253, Laws of 1969 ex. sess. and RCW 75.28.280 are each amended to read as follows:

A license is required for each and every clam farm of one or more tracts of land being operated for commercial purposes on privately owned or leased tidelands and on leased beds of navigable waters in the state, except that a license under this section is not required for subtidal geoduck harvest tracts for which the required harvest rights and licenses have been obtained pursuant to other provisions of law. The fee for said license is fifteen dollars per annum, and shall be paid for each and every year in which clams are removed from the clam farm for purposes of sale. A separate license is required for each clam farm being operated within each of the following clam districts; northern Puget Sound district, southern Puget Sound district,

Grays Harbor district, and Willapa Harbor district; said districts are to include the waters, beds, shores, beaches, and tidelands of, northern Puget Sound, southern Puget Sound, Grays Harbor, and Willapa Harbor, respectively, as geographically defined by the director of fisheries under appropriate regulations.

Sec. 4. Section 4, chapter 253, Laws of 1969 ex. sess. and RCW 75.28-.287 are each amended to read as follows:

~~((A license is required for gear in which the harvesting head is directly guided or controlled by hand, the fee for which license shall be one hundred dollars per annum))~~ (1) A geoduck tract license is required for each subtidal geoduck tract for which harvest rights have been granted by the department of natural resources for the commercial harvest of geoducks. The fee is one hundred dollars per annum.

(2) Every diver engaged in the commercial harvest of geoduck or other clams shall obtain a nonassignable personal commercial fishing license. The fee is fifty dollars per annum.

(3) A license is required for each and every mechanical and/or hydraulic device operated for the purpose of taking clams other than geoduck clams for commercial purposes from tidelands and beds of navigable waters of the state of Washington, the fee for which license shall be three hundred dollars per annum.

Evidence of issuance of the licenses required by this section shall be prominently displayed by numbers, codes, or symbols upon the vessel used in geoduck or clam harvesting activities before engaging in the harvesting activities in a manner prescribed by the director of fisheries in rules promulgated under chapter 34.04 RCW.

NEW SECTION. Sec. 5. There is added to chapter 75.28 RCW a new section to read as follows:

The department of natural resources shall designate the areas of aquatic lands owned by the state of Washington which will be available for geoduck harvesting by licensed geoduck harvesters in accordance with RCW 79.01.124.

NEW SECTION. Sec. 6. There is added to chapter 75.28 RCW a new section to read as follows:

It is unlawful for any person to harvest clams or geoducks or to utilize any vessel with commercial hand held geoduck harvesting gear on any aquatic lands designated under section 5 of this 1979 act without first obtaining the licenses required by RCW 75.24.100 as now or hereafter amended and 75.28.287 as now or hereafter amended. Use or the mere presence of the gear in the water outside the licensed tract is prima facie evidence of a violation of this section.

NEW SECTION. Sec. 7. There is added to chapter 75.28 RCW a new section to read as follows:

(1) In addition to the penalties prescribed in RCW 75.08.260 and 75.28.380, the director of fisheries may revoke all geoduck personal commercial fishing licenses or geoduck tract licenses or both held by a person if within any five-year period after the effective date of this 1979 act:

(a) That person is convicted or has an unvacated bail forfeiture for two or more violations of the geoduck licensing or harvesting provisions of this title; or

(b) The department of fisheries receives a report from the department of natural resources of two or more violations by the person of the lease or harvesting agreement under chapters 79.01 or 79.20 RCW where the department of natural resources suspended or canceled the lease or harvesting agreement under section 8 of this 1979 act.

The director of fisheries shall not issue any geoduck personal commercial fishing license or geoduck tract license for a period of one year after the revocation to a person who has had a license revoked under this section except as provided under subsection (3) of this section.

(2) If, within any five-year period after the effective date of this 1979 act, any holder of a tract license permits any person to harvest geoducks on that tract, each violation by that person of the geoduck licensing or harvesting provisions of this title resulting in: (a) Either conviction or unvacated forfeiture of bail; or (b) a suspension or cancellation of the lease or harvesting agreement by the department of natural resources under section 8 of this 1979 act; shall be imputed to the holder of a tract license for the purpose of computing the number of the tract holder's violations under subsection (1) of this section.

(3) Appeals from revocations under this section shall be taken pursuant to the judicial review provisions of chapter 34.04 RCW. If the revocation of a license is determined to be invalid, the department of fisheries shall reissue a license or licenses to that person.

NEW SECTION. Sec. 8. There is added to chapter 79.01 RCW a new section to read as follows:

(1) The department of natural resources may enter into leases or harvesting agreements for the harvesting of geoducks. The department of natural resources may place terms and conditions in the leases or harvesting agreements as the department deems necessary. The department of natural resources may enforce the provisions of any lease or harvesting agreement by suspending or canceling the lease or harvesting agreement or through any other means contained in the lease or harvesting agreement. The department of natural resources may cancel any lease or harvesting agreement upon receiving a report from the department of fisheries of the person's second violation of the geoduck licensing or harvesting provisions under Title 75 RCW. Any lessee may terminate a lease entered into pursuant to this subsection if actions of a governmental agency, beyond the control of the

lessee, its agents or its employees, prohibit harvesting, for a period exceeding thirty days, during the term of the harvesting agreement. Upon termination of the lease, the lessee shall be reimbursed by the lessor for the cost paid on the lease less the value of the harvest already accomplished by the lessee on the leasehold.

(2) After the effective date of this act, all leases of state lands or harvesting agreements under this title for the purpose of harvesting geoduck clams shall require the lessee and the lessee's agent or representatives to comply with all applicable commercial diving safety standards and regulations promulgated and implemented by the federal occupational safety and health administration established under the federal occupational safety and health act of 1970 as such law exists on the effect date of this act (84 stat. 1590 et seq.; 29 U.S.C. sec. 651 et seq.): **PROVIDED**, That for the purposes of this section and RCW 75.24.100 as now or hereafter amended all persons who dive for geoducks are deemed to be employees as defined by the federal occupational safety and health act. All leases shall provide that failure to comply with these standards is cause for suspension or cancellation of the lease: **PROVIDED FURTHER**, That for the purposes of this subsection if the lessee is the holder of a tract license and contracts with another entity for the harvesting of geoducks, the lease shall not be suspended or canceled if the lessee terminates its business relationship with such entity until compliance with the subsection is secured.

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 House April 25, 1979.
 Passed the Senate April 24, 1979.
 Approved by the Governor May 8, 1979.
 Filed in Office of Secretary of State May 8, 1979.

CHAPTER 142

[House Bill No. 860]

CITIES AND TOWNS—ANNEXATION—PROTECTION OF AGRICULTURAL LANDS—PAYMENT/SERVICE VALUE RELATIONSHIP

AN ACT Relating to decisions of boundary review boards; amending section 17, chapter 189, Laws of 1967 and RCW 36.93.170; and amending section 18, chapter 189, Laws of 1967 and RCW 36.93.180.

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

Section 1. Section 17, chapter 189, Laws of 1967 and RCW 36.93.170 are each amended to read as follows:

In reaching a decision on a proposal or an alternative, the board shall consider the factors affecting such proposal, which shall include, but not be limited to the following:

(1) Population and territory; population density; land area and land uses; comprehensive use plans and zoning; per capita assessed valuation; topography, natural boundaries and drainage basins, proximity to other populated areas; the existence of prime agricultural soils and agricultural uses; the likelihood of significant growth in the area and in adjacent incorporated and unincorporated areas during the next ten years; location and most desirable future location of community facilities.

(2) Municipal services; need for municipal services; effect of ordinances, governmental codes, regulations and resolutions on existing uses; present cost and adequacy of governmental services and controls in area; prospects of governmental services from other sources; probable future needs for such services and controls; probable effect of proposal or alternative on cost and adequacy of services and controls in area and adjacent area; the effect on the finances, debt structure, and contractual obligations and rights of all affected governmental units.

(3) The effect of the proposal or alternative on adjacent areas, on mutual economic and social interests, and on the local governmental structure of the county.

Sec. 2. Section 18, chapter 189, Laws of 1967 and RCW 36.93.180 are each amended to read as follows:

The decisions of the boundary review board shall attempt to achieve the following objectives:

- (1) Preservation of natural neighborhoods and communities;
- (2) Use of physical boundaries, including but not limited to bodies of water, highways, and land contours;
- (3) Creation and preservation of logical service areas;
- (4) Prevention of abnormally irregular boundaries;
- (5) Discouragement of multiple incorporations of small cities and encouragement of incorporation of cities in excess of ten thousand population in heavily populated urban areas;
- (6) Dissolution of inactive special purpose districts;
- (7) Adjustment of impractical boundaries; ~~((and))~~
- (8) Incorporation as cities or towns or annexation to cities or towns of unincorporated areas which are urban in character; and
- (9) Protection of agricultural lands.
- (10) Provide reasonable assurance that the extension of municipal services and the additional payments to be made by the property owners of the area to be annexed in the form of taxes bear a reasonable relation to the value of the additional municipal services to be received. This objective shall

apply only to cities with a population of 400,000 or more which initiates a resolution for annexation proceedings.

Passed the House April 24, 1979.

Passed the Senate April 11, 1979.

Approved by the Governor May 8, 1979.

Filed in Office of Secretary of State May 8, 1979.

CHAPTER 143

[House Bill No. 933]

PUBLIC HOSPITAL DISTRICTS—ANNEXATION—MORTGAGES

AN ACT Relating to public hospital districts; amending section 4, chapter 267, Laws of 1953 and RCW 70.44.200; amending section 1, chapter 264, Laws of 1945 as amended by section 1, chapter 165, Laws of 1974 ex. sess. and RCW 70.44.005; creating a new section; and amending section 6, chapter 264, Laws of 1945 as last amended by section 1, chapter 211, Laws of 1977 ex. sess. and RCW 70.44.060.

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

Section 1. Section 4, chapter 267, Laws of 1953 and RCW 70.44.200 are each amended to read as follows:

(1) A public hospital district may annex territory outside the existing boundaries of such district and contiguous thereto, whether the territory ((therein)) lies in one or more counties, ((under the procedure applicable to annexation of unincorporated areas as provided in chapter 35.12 RCW)) in accordance with this section.

(2) A petition for annexation of territory contiguous to a public hospital district may be filed with the commission of the district to which annexation is proposed. The petition must be signed by the owners, as prescribed by RCW 35A.01.040(9) (a) through (e), of not less than sixty percent of the area of land within the territory proposed to be annexed. Such petition shall describe the boundaries of the territory proposed to be annexed and shall be accompanied by a map which outlines the boundaries of such territory.

(3) Whenever such a petition for annexation is filed with the commission of a public hospital district, the commission may entertain the same, fix a date for public hearing thereon, and cause notice of the hearing to be published once a week for at least two consecutive weeks in a newspaper of general circulation within the territory proposed to be annexed. The notice shall also be posted in three public places within the territory proposed to be annexed, shall contain a description of the boundaries of such territory, and shall specify the time and place of hearing and invite interested persons to appear and voice approval or disapproval of the annexation.

(4) Following the hearing, if the commission of the district determines to accomplish the annexation, it shall do so by resolution. The resolution may annex all or any portion of the proposed territory but may not include in the annexation any property not described in the petition. Upon passage

of the annexation resolution, the territory annexed shall become part of the district and a certified copy of such resolution shall be filed with the legislative authority of the county or counties in which the annexed property is located.

(5) If the petition for annexation and the annexation resolution so provide, as the commission may require, and such petition has been signed by the owners of all the land within the boundaries of the territory being annexed, the annexed property shall assume and be assessed and taxed to pay for all or any portion of the outstanding indebtedness of the district to which it is annexed at the same rates as other property within such district. Unless so provided in the petition and resolution, property within the boundaries of the territory annexed shall not be assessed or taxed to pay for all or any portion of the indebtedness of the district to which it is annexed that was contracted prior to or which existed at the date of annexation. In no event shall any such annexed property be released from any assessments or taxes previously levied against it or from its existing liability for the payment of outstanding bonds or warrants issued prior to such annexation.

(6) The annexation procedure provided for in RCW 70.44.200 shall be an alternative method applicable only when at the time a petition is filed pursuant to RCW 70.44.200 there are no qualified electors residing in the territory to be annexed.

Sec. 2. Section 1, chapter 264, Laws of 1945 as amended by section 1, chapter 165, Laws of 1974 ex. sess. 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 eighteen thousand may not construct nursing homes))~~).

NEW SECTION. Sec. 3. 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.

Sec. 4. Section 6, chapter 264, Laws of 1945 as last amended by section 1, chapter 211, Laws of 1977 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 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 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 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 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 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 mortgage land owned by the district, together with any improvements located thereon, for the purpose of constructing hospital or other health care facilities. The issuance of a mortgage and note under this subsection shall not be subject to the applicable limitations and requirements provided in RCW 39.36.020 as now or hereafter amended: PROVIDED, That such mortgage and note shall be authorized by an affirmative vote of the voters of said district voting at a general election or an election held for that purpose.

(8) 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))~~ (9) 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))~~ (10) To pay actual necessary travel expenses and living expenses incurred while in travel status for (a) qualified physicians who are candidates for medical staff positions, and (b) other qualified persons who are candidates for superintendent or other managerial and technical positions, when the district finds that hospitals or other health care facilities owned and operated by it are not adequately staffed and determines that personal interviews with said candidates to be held in the district are necessary or desirable for the adequate staffing of said facilities.

~~((10))~~ (11) 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.

Passed the House April 25, 1979.

Passed the Senate April 11, 1979.

Approved by the Governor May 8, 1979.

Filed in Office of Secretary of State May 8, 1979.

CHAPTER 144

[House Bill No. 1175]

SETTLEMENT OF TORT CLAIMS AGAINST THE STATE

AN ACT Relating to claims against the state; amending section 8, chapter 159, Laws of 1963 as amended by section 4, chapter 126, Laws of 1975 1st ex. sess. and RCW 4.92.140; amending section 9, chapter 159, Laws of 1963 as amended by section 5, chapter 126, Laws of 1975 1st ex. sess. and RCW 4.92.150; and amending section 10, chapter 159, Laws of 1963 as last amended by section 6, chapter 126, Laws of 1975 1st ex. sess. and RCW 4.92.160.

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

Section 1. Section 8, chapter 159, Laws of 1963 as amended by section 4, chapter 126, Laws of 1975 1st ex. sess. and RCW 4.92.140 are each amended to read as follows:

The head or governing body of any agency or department of state government or the designee of any such agency, with the approval of the attorney general, may consider, ascertain, adjust, determine, compromise, and settle any claim arising out of tortious conduct or under and pursuant to 42 U.S.C. Sec. 1981 et seq. for which the state of Washington or any of its officers or employees would be liable in law for money damages of (~~twenty-five hundred~~) ten thousand 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 or its affected officer or employee. A request for administrative settlement shall not preclude a claimant from filing a court action pending administrative determination, limit the amount recoverable in such a suit, or constitute an admission against interest of either the claimant or the state.

Sec. 2. Section 9, chapter 159, Laws of 1963 as amended by section 5, chapter 126, Laws of 1975 1st ex. sess. and RCW 4.92.150 are each amended to read as follows:

After commencement of an action in a court of competent jurisdiction upon a claim against the state, or any of its officers or employees arising out of tortious conduct or pursuant to 42 U.S.C. Sec. 1981 et seq., or upon petition by the state, the attorney general, with the approval of the court, following such testimony as the court may require, may compromise and settle the same and stipulate for judgment against the state, the affected officer or employee.

Sec. 3. Section 10, chapter 159, Laws of 1963 as last amended by section 6, chapter 126, Laws of 1975 1st ex. sess. and RCW 4.92.160 are each amended to read as follows:

Payment of claims and judgments arising out of tortious conduct or pursuant to 42 U.S.C. Sec. 1981 et seq. shall not be made by any agency or department of state government with the exception of the ((budget)) director of financial management, and he shall authorize and direct the payment of moneys only from the tort claims revolving fund whenever:

(1) The head or governing body of any agency or department of state or the designee of any such agency certifies to him that a claim has been settled under authority of RCW 4.92.140 as herein or hereafter amended; or

(2) The clerk of court has made and forwarded a certified copy of a final judgment in a court of competent jurisdiction and the attorney general certifies that the judgment is final and was entered in an action on a claim arising out of tortious conduct or under and pursuant to 42 U.S.C. Sec. 1981 et seq. Payment of a judgment shall be made to the clerk of the court for the benefit of the judgment creditors. Upon receipt of payment, the clerk shall satisfy the judgment against the state.

Passed the House April 10, 1979.

Passed the Senate April 25, 1979.

Approved by the Governor May 8, 1979.

Filed in Office of Secretary of State May 8, 1979.

CHAPTER 145

[Substitute House Bill No. 1347]

COMMUNITY MENTAL HEALTH PROGRAM SERVICES—PUBLIC SCHOOL CHILDREN—FEE PAYMENT EXEMPTION

AN ACT Relating to mental health; and amending section 21, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.210.

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

Section 1. Section 21, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.210 are each amended to read as follows:

Community mental health programs shall require that patients make payment for community mental health services in accordance with their ability to pay, rendered pursuant to a plan submitted to the ((director)) secretary, but not in excess of actual cost: PROVIDED, That the secretary may exempt from the fee payment requirement services rendered to children with behavioral or emotional disabilities when these services are provided as part of a cooperative program with a public school district in accordance with chapter 28A.13 RCW.

Passed the House March 28, 1979.

Passed the Senate April 25, 1979.

Approved by the Governor May 8, 1979.

Filed in Office of Secretary of State May 8, 1979.

CHAPTER 146

[House Bill No. 923]

PUBLIC EMPLOYMENT RELATIONS COMMISSION—MEMBERS'
COMPENSATION—EXECUTIVE DIRECTOR'S AUTHORITY

AN ACT Relating to public employees' collective bargaining; amending section 1, chapter 5, Laws of 1975-'76 2nd ex. sess. and RCW 41.58.010; amending section 2, chapter 5, Laws of 1975-'76 2nd ex. sess. as amended by section 91, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 41.58.015; repealing section 5, chapter 288, Laws of 1975 1st ex. sess., section 92, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 41.59.040; and repealing section 6, chapter 288, Laws of 1975 1st ex. sess. and RCW 41.59.050.

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

***Section 1. Section 1, chapter 5, Laws of 1975-'76 2nd ex. sess. and RCW 41.58.010 are each amended to read as follows:**

(1) There is hereby created the public employment relations commission (hereafter called the "commission") to administer the provisions of this chapter. The commission shall consist of three members who shall be citizens appointed by the governor by and with the advice and consent of the senate: PROVIDED, That ((no member appointed when the legislature was not in session shall continue to be a member of the commission if that person's appointment shall have been rejected by the senate during the next legislative session)) after the effective date of this amendatory act no member appointed during a legislative session shall continue to be a member of the commission unless approved by the senate within thirty days after the appointment is presented to the senate: PROVIDED FURTHER, That if a member is appointed when the legislature is not in session or if a member's appointment is presented to the senate less than thirty days prior to the end of a legislative session then such member shall not continue to be a member unless approved by the senate by the thirtieth day of the next legislative session. ((One of the original)) Those persons who are members on the effective date of this 1979 act shall ((be appointed for a term of three years, one for a term of four years, and one for a term of five years. Their successors shall be appointed for terms of five years each)) serve for the remainder of their appointed terms. Their successors shall be appointed as follows: For the term of office ending in 1979, the successor shall be appointed for a six year term ending in 1985; for the term of office ending in 1980, the successor shall be appointed for a seven year term ending in 1987; for the term of office ending in 1983 and for all subsequent appointments, the successors shall be appointed for terms of six years each, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he succeeds. Commission members shall be eligible for reappointment. The governor shall designate one member to serve as chairman of the commission for the remainder of that person's term as a member of the commission. Any member of the commission may be removed by the governor, upon notice and hearing,

for neglect of duty or malfeasance in office, but for no other cause. Commission members shall not be eligible for state retirement under chapter 41.40 RCW by virtue of their service on the commission. Commission members are subject to the provisions of RCW 42.17.240.

(2) In making citizen member appointments initially, and subsequently thereafter, the governor shall be cognizant of the desirability of appointing persons knowledgeable in the area of labor relations in the state.

(3) A vacancy in the commission shall not impair the right of the remaining members to exercise all of the powers of the commission, and two members of the commission shall, at all times, constitute a quorum of the commission.

(4) The commission shall at the close of each fiscal year make a report in writing to the legislature and to the governor stating the cases it has heard, the decisions it has rendered, the names, salaries, and duties of all employees and officers in the employ or under the supervision of the commission, and an account of all moneys it has disbursed.

*Sec. 1. was vetoed, see message at end of chapter.

Sec. 2. Section 2, chapter 5, Laws of 1975-'76 2nd ex. sess. as amended by section 91, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 41.58-.015 are each amended to read as follows:

(1) Each member of the commission shall be paid ~~((fifty dollars for each day in which he has actually attended a meeting of the commission officially held))~~ one hundred dollars for each day during which the member attends a meeting of the commission officially held or attends to other business of the commission authorized by the commission. ~~((The members of the commission may receive any number of daily payments for official meetings of the commission actually attended-))~~ Members of the commission shall also be reimbursed for travel expenses incurred in the discharge of their official duties on the same basis as is provided in RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

(2) The commission shall appoint an executive director whose annual salary shall be determined under the provisions of RCW 43.03.028. ~~((He))~~ The executive director shall perform such duties and have such powers as the commission shall prescribe in order to ~~((carry out))~~ implement and enforce the provisions of this chapter ~~((, including assisting employees and employers in the settlement of labor disputes through mediation and fact-finding))~~. In addition to the performance of administrative duties, the commission may delegate to the executive director authority with respect to, but not limited to, representation proceedings, unfair labor practice proceedings, mediation of labor disputes, arbitration of disputes concerning the interpretation or application of a collective bargaining agreement, and, in certain cases, fact-finding or arbitration of disputes concerning the terms of a collective bargaining agreement. Such delegation shall not eliminate a party's

right of appeal to the commission. The executive director, with such assistance as may be provided by the attorney general and such additional legal assistance consistent with chapter 43.10 RCW, shall have authority on behalf of the commission, ~~((in matters concerning the investigation of charges and issuance of complaints under this chapter))~~ when necessary to carry out or enforce any action or decision of the commission, to petition any court of competent jurisdiction for an order requiring compliance with the action or decision.

(3) The commission shall employ such employees as it may from time to time find necessary for the proper performance of its duties, consistent with the provisions of this chapter.

(4) The payment of all of the expenses of the commission, including travel expenses incurred by the members or employees of the commission under its orders, shall be subject to the provisions of RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

NEW SECTION. Sec. 3. The following acts or parts of acts are each repealed:

(1) Section 5, chapter 288, Laws of 1975 1st ex. sess., section 92, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 41.59.040; and

(2) Section 6, chapter 288, Laws of 1975 1st ex. sess. and RCW 41.59.050.

Passed the House April 25, 1979.

Passed the Senate April 19, 1979.

Approved by the Governor May 8, 1979 with the exception of section 1 which is vetoed.

Filed in Office of Secretary of State May 8, 1979.

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

"I am returning herewith without my approval as to one section House Bill Number 923 entitled:

"AN ACT Relating to public employee's collective bargaining;"

Section 1 contains a proviso that will allow the Senate to reject gubernatorial appointments to the commission by inaction.

When making an appointment the Governor is committed publicly. If the law is to require confirmation by the Senate, then its members should also go on record as either confirming or rejecting the appointment. To permit the Senate to refuse an appointment by neglect is not in the interest of the public, the appointee, or the Governor. Open government requires that the public have the right to know who is opposed to an appointment and their reasons. The appointment proviso in Section 1 is contrary to this objective.

Additional compelling reasons are of a pragmatic nature. The Public Employment Relations Commission is a quasi-judicial administrative agency which is involved in the timely response to labor disputes. The state cannot afford the possibility that this crisis-responsive agency be incapacitated by Senate inaction on two or more members of the Commission. Under such circumstances it would increase the difficulty of finding qualified and acceptable persons willing to have their names submitted.

With the exception of Section 1, which I have vetoed, the remainder of House Bill Number 923 is approved."

CHAPTER 147

[House Bill No. 491]

SENIOR CITIZENS' SERVICES—UTILIZATION OF VOLUNTEERS AND PUBLIC ASSISTANCE RECIPIENTS—WELL ADULT CLINIC SERVICES—
APPROPRIATION

AN ACT Relating to senior citizen services; amending section 5, chapter 131, Laws of 1975-'76 2nd ex. sess. as amended by section 4, chapter 321, Laws of 1977 ex. sess. and RCW 74.38.050; repealing section 7, chapter 321, Laws of 1977 ex. sess. (uncodified); making an appropriation; declaring an emergency and providing an effective date.

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

Section 1. Section 5, chapter 131, Laws of 1975-'76 2nd ex. sess. as amended by section 4, chapter 321, Laws of 1977 ex. sess. and RCW 74.38.050 are each amended to read as follows:

The services provided in RCW 74.38.040 may be provided to nonlow income eligible persons: PROVIDED, That the department and the area agencies on aging shall utilize volunteer workers and public assistant recipients ((shall be utilized)) to the maximum extent possible to provide the services provided in RCW 74.38.040: PROVIDED, FURTHER, That ((when volunteer workers and public assistance recipients are not available.)) the department and the area agencies shall utilize the bid procedure pursuant to chapter 43.19 RCW for providing such services to low income and nonlow income persons whenever the services to be provided are available through private agencies at a cost savings to the department. The department shall establish a fee schedule based on the ability to pay and graduated to full recovery of the cost of the service provided; except, that nutritional services, health screening, and access services provided in RCW 74.38.040 shall not be based on need and no fee shall be charged; except further, notwithstanding any other provision of this chapter, that well adult clinic services may be provided in lieu of health screening services if such clinics use the fee schedule established by this section.

NEW SECTION. Sec. 2. Section 7, chapter 321, Laws of 1977 ex. sess. (uncodified) is hereby repealed.

NEW SECTION. Sec. 3. There is appropriated to the department of social and health services from the general fund for the 1979-1981 biennium the sum of thirteen million six hundred thousand dollars, or so much thereof as may be necessary to carry out this 1979 act. If federal older Americans act model project funds become available to carry out this 1979 act, then state moneys shall be conserved by utilizing the federal funds.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state

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government and its existing public institutions, and shall take effect July 1, 1979.

Passed the House May 7, 1979.
Passed the Senate May 4, 1979.
Approved by the Governor May 9, 1979.
Filed in Office of Secretary of State May 9, 1979.

CHAPTER 148

[House Bill No. 358]

COMMUNITY COLLEGES—FEE WAIVERS—HIGH SCHOOL PROGRAMS

AN ACT Relating to community colleges; and amending section 29, chapter 261, Laws of 1969 ex. sess. as last amended by section 2, chapter 191, Laws of 1973 1st ex. sess. and RCW 28B.15.520.

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

Section 1. Section 29, chapter 261, Laws of 1969 ex. sess. as last amended by section 2, chapter 191, Laws of 1973 1st ex. sess. and RCW 28B.15.520 are each amended to read as follows:

Notwithstanding any other provision of this chapter or chapter 28B.50 RCW as now or hereafter amended (~~((the college board shall be authorized to permit the))~~) boards of trustees of the various community colleges (~~((to))~~) shall waive general tuition fees, operating fees, and services and activities fees(~~(, and any other fees)~~) for (~~((needy))~~) nineteen years of age or older who (~~((are enrolled))~~) enroll in a course of study or program which will enable them to finish their high school education and obtain a high school diploma or certificate, and for children after the age of nineteen years of any law enforcement officer or fire fighter who lost his life or became totally disabled in the line of duty while employed by any public law enforcement agency or full time or volunteer fire department in this state.

Passed the House April 2, 1979.
Passed the Senate April 25, 1979.
Approved by the Governor May 10, 1979.
Filed in Office of Secretary of State May 10, 1979.

CHAPTER 149

[House Bill No. 196]

TRUCK LICENSING—COMBINATIONS—PROPORTIONAL REGISTRATION FEES—INTEREST RATE

AN ACT Relating to motor vehicles; amending section 46.04.530, chapter 12, Laws of 1961 and RCW 46.04.530; amending section 46.44.037, chapter 12, Laws of 1961 as last amended by section 9, chapter 64, Laws of 1975-'76 2nd ex. sess. and RCW 46.44.037; amending section 19, chapter 106, Laws of 1963 as last amended by section 4, chapter 51, Laws of 1971 and RCW 46.85.190; and adding a new section to chapter 46.04 RCW.

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

Section 1. Section 46.04.530, chapter 12, Laws of 1961 and RCW 46.04.530 are each amended to read as follows:

"Semitrailer" includes every vehicle without motive power designed to be drawn by a vehicle, motor vehicle, or truck tractor and so constructed that an appreciable part of its weight and that of its load rests upon and is carried by such other vehicle, motor vehicle, or truck tractor.

NEW SECTION. Sec. 2. There is added to chapter 46.04 RCW a new section to read as follows:

"Tandem axle" means any two or more consecutive axles whose centers are more than forty-two inches but not more than eighty-four inches apart, and are individually attached to and/or articulated from a common attachment to the vehicle, including a connecting mechanism designed to equalize the load between axles.

Sec. 3. Section 46.44.037, chapter 12, Laws of 1961 as last amended by section 9, chapter 64, Laws of 1975-'76 2nd ex. sess. and RCW 46.44.037 are each amended to read as follows:

Notwithstanding the provisions of RCW 46.44.036 and subject to such rules and regulations governing their operation as may be adopted by the state highway commission operation of the following combinations shall be lawful:

(1) A combination consisting of a truck tractor, a semitrailer, and another semitrailer or a full trailer. In this connection a converter gear used to convert a semitrailer into a full trailer shall be considered to be a part of the full trailer and not a separate vehicle. A converter gear being pulled without load and not used to convert a semitrailer into a full trailer may be substituted in lieu of a full trailer or a semitrailer in any lawful combination;

(2) A combination consisting of three trucks or truck tractors used in driveaway service where two of the vehicles are towed by the third in double saddlemount position.

Sec. 4. Section 19, chapter 106, Laws of 1963 as last amended by section 4, chapter 51, Laws of 1971 and RCW 46.85.190 are each amended to read as follows:

Any owner whose application for proportional registration has been accepted shall preserve the records on which the application is based for a period of four years following the year or period upon which said application is based. Upon request of the department, the owner shall make such records available to the department, at its designated office for audit as to accuracy of computations and payments and assessment of deficiencies or allowances for credit. If the department determines that the applicant should have registered more vehicles in this state under the provisions of this chapter the department may deny him the right of any further benefits by reason of any reciprocal agreement or declaration until the fees, interest,

and penalties for such additional vehicle or vehicles which should have been registered, have been paid. The fees, interest, and penalties determined to be due and owing under the provisions of this paragraph shall be a lien upon all the property of the applicant, and such lien shall attach at the time the audit report has been mailed to such applicant by the department, and shall have the effect of an execution duly levied on such property and shall so remain until said additional fees, interest, and penalties so determined, are paid, or a sufficient amount of such property sold for the payment thereof. The department may make arrangements with agencies of other jurisdictions administering motor vehicle registration laws for joint audits of any such owner. No assessment for deficiency or claim for credit may be made for any period for which records are no longer required. Any sums found to be due and owing upon audit shall bear interest of (~~six~~) one percent per month from the date when they should have been paid until the date of actual payment. If the audit discloses a deliberate and wilful intent to evade the requirements of payment under RCW 46.85.110 and 46.85.120, a penalty of ten percent shall also be assessed.

If the audit discloses that an overpayment to the state in excess of twenty-five dollars has been made, the department shall certify such overpayment to the state treasurer who shall issue a warrant for such overpayment to the vehicle operator.

All carriers registered under the provisions of this chapter shall maintain detailed mileage records on an individual vehicle basis. Such operating records shall be prepared for each trip and shall include dates, origin and destination points, total miles traveled, miles traveled in each state, vehicle equipment number, driver's full name, and all other information pertinent to the particular trip.

Passed the House May 2, 1979.

Passed the Senate April 30, 1979.

Approved by the Governor May 10, 1979.

Filed in Office of Secretary of State May 10, 1979.

CHAPTER 150

[Substitute Senate Bill No. 2192]

STATE EMPLOYEES—SICK LEAVE REMUNERATION

AN ACT Relating to state employees; establishing an attendance incentive program; and adding a new section to chapter 41.04 RCW.

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

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

As used in this section the term "eligible employee" means any employee of the state, other than teaching and research faculty at institutions of

higher education, entitled to accumulate sick leave and for whom accurate sick leave records have been maintained: PROVIDED, That no employee may receive compensation under this section for any portion of sick leave accumulated at a rate in excess of one day per month.

An attendance incentive program is established for all eligible employees. In January of the year following any year in which a minimum of sixty days of sick leave is accrued, and each January thereafter, any eligible employee may receive remuneration for unused sick leave accumulated in the previous year at a rate equal to one day's monetary compensation of the employee for each four full days of accrued sick leave in excess of sixty days. Sick leave for which compensation has been received shall be deducted from accrued sick leave at the rate of four days for every one day's monetary compensation.

At the time of retirement from state service or death, an eligible employee shall receive remuneration at a rate equal to one day's current monetary compensation of the employee for each four full days of accrued sick leave.

Moneys received under this section shall not be included for the purpose of computing a retirement allowance under any public retirement system in this state.

This section shall be administered, and rules shall be promulgated to carry out its purposes, by the state personnel board and the higher education personnel board for persons subject to chapters 41.06 and 28B.16 RCW, respectively, and by their respective personnel authorities for other eligible employees: PROVIDED, That determination of classes of eligible employees shall be subject to approval by the office of financial management.

Should the legislature revoke any benefits granted under this section, no affected employee shall be entitled thereafter to receive such benefits as a matter of contractual right.

Passed the Senate April 28, 1979.

Passed the House April 25, 1979.

Approved by the Governor May 10, 1979.

Filed in Office of Secretary of State May 10, 1979.

CHAPTER 151

[Engrossed Substitute Senate Bill No. 2317]

WORKERS' COMPENSATION—REDUCTIONS BASED ON RECEIPT OF FEDERAL BENEFITS—OVERPAYMENT RECOVERY

AN ACT Relating to reductions in workers' compensation based on receipt of federal benefits; amending section 3, chapter 286, Laws of 1975 1st ex. sess. as amended by section 19, chapter 323, Laws of 1977 ex. sess. and RCW 51.32.220; adding a new section to chapter 51.32 RCW; creating a new section; and declaring an emergency.

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

Section 1. Section 3, chapter 286, Laws of 1975 1st ex. sess. as amended by section 19, chapter 323, Laws of 1977 ex. sess. and RCW 51.32.220 are each amended to read as follows:

(1) For persons under the age of sixty-two receiving compensation for temporary or permanent total disability pursuant to the provisions of chapter 51.32 RCW, such compensation shall be reduced by an amount equal to the benefits payable under the federal old-age, survivors and disability insurance act as now or hereafter amended not to exceed the amount of the reduction established pursuant to 42 USC 424a. However, such reduction shall not apply when the combined compensation provided pursuant to chapter 51.32 RCW and the federal old-age, survivors and disability insurance act is less than the total benefits to which the federal reduction would apply, pursuant to 42 USC 424a. Where any person described in this section refuses to authorize the release of information concerning the amount of benefits payable under said federal act the department's estimate of said amount shall be deemed to be correct unless and until the actual amount is established and no adjustment shall be made for any period of time covered by any such refusal.

(2) Any reduction under subsection (1) of this section shall be effective the month following the month in which the department or self-insurer is notified by the federal social security administration that the person is receiving disability benefits under the federal old-age, survivors and disability insurance act: PROVIDED, That in the event of an overpayment of benefits the department or self-insurer may not recover more than the overpayments for the six months immediately preceding the date the department or self-insurer notifies the worker that an overpayment has occurred: PROVIDED FURTHER, That upon determining that there has been an overpayment, the department or self-insurer shall immediately notify the person who received the overpayment that he or she shall be required to make repayment pursuant to this act.

(3) Recovery of any overpayment must be taken from future monthly temporary or permanent total disability benefits provided by this title and may not exceed twenty-five percent of the monthly amount due from the department or self-insurer or one-sixth of the total overpayment, whichever is the lesser.

(4) No reduction may be made unless the worker receives notice of the reduction prior to the month in which the reduction is made.

(5) In no event shall the reduction reduce total benefits to less than the greater amount the worker may be entitled to under this title or the federal old-age, survivors and disability insurance act.

(6) The director, pursuant to rules adopted in accordance with the procedures provided in the administrative procedure act, chapter 34.04 RCW, may exercise his discretion to waive, in whole or in part, the amount of any

overpayment where the recovery would be against equity and good conscience.

NEW SECTION. Sec. 2. There is added to chapter 51.32 RCW a new section to read as follows:

Notwithstanding any other provisions of law, any overpayments previously recovered under the provisions of RCW 51.32.220 as now or hereafter amended shall be limited to six months' overpayments. Where greater recovery has already been made, the director, in his discretion, may make restitution in those cases where an extraordinary hardship has been created.

NEW SECTION. Sec. 3. This 1979 act applies to all cases in which notification of the first reduction in compensation pursuant to RCW 51.32.220 is mailed after the effective date of this 1979 act, regardless of when the basis, authority, or cause for such reduction may have arisen. To such extent, this 1979 act applies retrospectively, but in all other respects it applies prospectively.

NEW SECTION. Sec. 4. If any provision of this 1979 act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate April 28, 1979.

Passed the House April 9, 1979.

Approved by the Governor May 10, 1979.

Filed in Office of Secretary of State May 10, 1979.

CHAPTER 152

[Engrossed Substitute Senate Bill No. 2337]

PUBLIC ASSISTANCE, MEDICAL CARE SERVICES—IMPROPER, ILLEGAL RECEIPT OF BENEFIT PAYMENTS—CIVIL, CRIMINAL PENALTIES

AN ACT Relating to medical care; adding new sections to chapter 74.09 RCW; 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 74.09 RCW a new section to read as follows:

The legislature finds and declares it to be in the public interest and for the protection of the health and welfare of the residents of the state of Washington that a proper regulatory and inspection program be instituted in connection with the providing of medical, dental, and other health services to recipients of public assistance and medically indigent persons. In

order to effectively accomplish such purpose and to assure that the recipient of such services receives such services as are paid for by the state of Washington, the acceptance by the recipient of such services, and by practitioners of reimbursement for performing such services, shall authorize the secretary of the department of social and health services or his designee, to inspect and audit all records in connection with the providing of such services.

NEW SECTION. Sec. 2. There is added to chapter 74.09 RCW a new section to read as follows:

(1) No person, firm, corporation, partnership, association, agency, institution, or other legal entity, but not including an individual public assistance recipient of health care, shall, on behalf of himself or others, obtain or attempt to obtain benefits or payments under this chapter in a greater amount than that to which entitled by means of:

(a) A wilful false statement;

(b) By wilful misrepresentation, or by concealment of any material facts; or

(c) By other fraudulent scheme or device, including, but not limited to:

(i) Billing for services, drugs, supplies, or equipment that were unfurnished, of lower quality, or a substitution or misrepresentation of items billed; or

(ii) Repeated billing for purportedly covered items, which were not in fact so covered.

(2) Any person or entity knowingly violating any of the provisions of subsection (1) of this section shall be liable for repayment of any excess benefits or payments received, plus interest on the amount of the excess benefits or payments at the rate of one percent each month for the period from the date upon which payment was made to the date upon which repayment is made to the state. Such person or other entity shall further, in addition to any other penalties provided by law, be subject to civil penalties. The secretary of social and health services may assess civil penalties in an amount not to exceed three times the amount of such excess benefits or payments: PROVIDED, That these civil penalties shall not apply to any acts or omissions occurring prior to the effective date of this act.

(3) All orders of the department assessing civil penalties shall become final twenty days after the same have been served unless a hearing is requested.

(4) A criminal action need not be brought against a person for that person to be civilly liable under this section.

(5) In all proceedings under this section, service, hearings, and judicial review of such determinations shall be in accordance with chapter 34.04 RCW.

(6) Civil penalties shall be deposited in the general fund upon their receipt.

NEW SECTION. Sec. 3. There is added to chapter 74.09 RCW a new section to read as follows:

Any person, firm, corporation, partnership, association, agency, institution or other legal entity, but not including an individual public assistance recipient of health care, that, without intent to violate this chapter, obtains benefits or payments under this code to which such person or entity is not entitled, or in a greater amount than that to which entitled, shall be liable for (1) any excess benefits or payments received, and (2) interest on the amount of the excess benefits or payments at the rate of one percent each month for the period from the date upon which payment was made to the date upon which repayment is made to the state: **PROVIDED**, That no person, firm, corporation, partnership, association, agency, institution, or other legal entity shall be liable for payment of interest when excess benefits or payments were obtained as a result of errors made by the department of social and health services. Whenever a penalty or interest is due under section 2 or 3 of this act, such penalty or interest shall not be reimbursable by the state as an allowable cost under any of the provisions of this chapter.

NEW SECTION. Sec. 4. There is added to chapter 74.09 RCW a new section to read as follows:

Any person, including any corporation, that

(1) knowingly makes or causes to be made any false statement or representation of a material fact in any application for any payment under any medical care program authorized under this chapter, or

(2) at any time knowingly makes or causes to be made any false statement or representation of a material fact for use in determining rights to such payment, or knowingly falsifies, conceals, or covers up by any trick, scheme, or device a material fact in connection with such application or payment, or

(3) having knowledge of the occurrence of any event affecting (a) the initial or continued right to any payment, or (b) the initial or continued right to any such payment of any other individual in whose behalf he has applied for or is receiving such payment, conceals or fails to disclose such event with an intent fraudulently to secure such payment either in a greater amount or quantity than is due or when no such payment is authorized, shall be guilty of a class C felony: **PROVIDED**, That the fine, if imposed, shall not be in an amount more than twenty-five thousand dollars, except as authorized by RCW 9A.20.030.

NEW SECTION. Sec. 5. There is added to chapter 74.09 RCW a new section to read as follows:

(1) Any person, including any corporation, that solicits or receives any remuneration (including any kickback, bribe, or rebate) directly or indirectly, overtly or covertly, in cash or in kind

(a) in return for referring an individual to a person for the furnishing or arranging for the furnishing of any item or service for which payment may be made in whole or in part under this chapter, or

(b) in return for purchasing, leasing, ordering, or arranging for or recommending purchasing, leasing, or ordering any goods, facility, service, or item for which payment may be made in whole or in part under this chapter,

shall be guilty of a class C felony: PROVIDED, That the fine, if imposed, shall not be in an amount more than twenty-five thousand dollars, except as authorized by RCW 9A.20.030.

(2) Any person, including any corporation, that offers or pays any remuneration (including any kickback, bribe, or rebate) directly or indirectly, overtly or covertly, in cash or in kind to any person to induce such person

(a) to refer an individual to a person for the furnishing or arranging for the furnishing of any item or service for which payment may be made, in whole or in part, under this chapter, or

(b) to purchase, lease, order, or arrange for or recommend purchasing, leasing, or ordering any goods, facility, service, or item for which payment may be made in whole or in part under this chapter,

shall be guilty of a class C felony: PROVIDED, That the fine, if imposed, shall not be in an amount more than twenty-five thousand dollars, except as authorized by RCW 9A.20.030.

(3) Subsections (1) and (2) of this section shall not apply to

(a) a discount or other reduction in price obtained by a provider of services or other entity under this chapter if the reduction in price is properly disclosed and appropriately reflected in the costs claimed or charges made by the provider or entity under this chapter, and

(b) any amount paid by an employer to an employee (who has a bona fide employment relationship with such employer) for employment in the provision of covered items or services.

(4) Subsections (1) and (2) of this section, if applicable to the conduct involved, shall supersede the criminal provisions of chapter 19.68 RCW, but shall not preclude administrative proceedings authorized by chapter 19.68 RCW.

NEW SECTION. Sec. 6. There is added to chapter 74.09 RCW a new section to read as follows:

Any person, including any corporation, that knowingly makes or causes to be made, or induces or seeks to induce the making of, any false statement or representation of a material fact with respect to the conditions or operations of any institution or facility in order that such institution or facility may qualify (either upon initial certification or upon recertification) as a hospital, skilled nursing facility, intermediate care facility, or home health agency, shall be guilty of a class C felony: PROVIDED, That the fine, if imposed, shall not be in an amount more than five thousand dollars.

NEW SECTION. Sec. 7. There is added to chapter 74.09 RCW a new section to read as follows:

Any person, including any corporation, that knowingly

(1) charges, for any service provided to a patient under any medical care plan authorized under this chapter, money or other consideration at a rate in excess of the rates established by the department of social and health services, or

(2) charges, solicits, accepts, or receives, in addition to any amount otherwise required to be paid under such plan any gift, money, donation, or other consideration (other than a charitable, religious, or philanthropic contribution from an organization or from a person unrelated to the patient)

(a) as a precondition of admitting a patient to a hospital, skilled nursing facility, or intermediate care facility, or

(b) as a requirement for the patient's continued stay in such facility, when the cost of the services provided therein to the patient is paid for, in whole or in part, under such plan, shall be guilty of a class C felony: **PROVIDED**, That the fine, if imposed, shall not be in an amount more than twenty-five thousand dollars, except as authorized by RCW 9A.20.030.

NEW SECTION. Sec. 8. There is added to chapter 74.09 RCW a new section to read as follows:

(1) Any person having any patient trust funds in his possession, custody, or control, who, knowing that he is violating any statute, regulation, or agreement, deliberately fails to deposit, transfer, or maintain said funds in a separate, designated, trust bank account as required by such statute, regulation, or agreement shall be guilty of a gross misdemeanor and shall be punished by imprisonment for not more than one year in the county jail, or by a fine of not more than ten thousand dollars or as authorized by RCW 9A.20.030, or by both such fine and imprisonment.

(2) "Patient trust funds" are funds received by any health care facility which belong to patients and are required by any state or federal statute, regulation, or by agreement to be kept in a separate trust bank account for the benefit of such patients.

(3) This section shall not be construed to prevent a prosecution for theft.

NEW SECTION. Sec. 9. There is added to chapter 74.09 RCW a new section to read as follows:

The secretary of social and health services may by rule require that any application, statement, or form filled out by suppliers of medical care under this chapter shall contain or be verified by a written statement that it is made under the penalties of perjury and such declaration shall be in lieu of any oath otherwise required, and each such paper shall in such event so state. The making or subscribing of any such papers or forms containing any false or misleading information may be prosecuted and punished under chapter 9A.72 RCW.

NEW SECTION. Sec. 10. There is added to chapter 74.09 RCW a new section to read as follows:

The secretary of the department of social and health services or his authorized representative shall have the authority to:

(1) Conduct audits and investigations of providers of medical and other services furnished pursuant to this chapter, except that the Washington state medical disciplinary board shall generally serve in an advisory capacity to the secretary in the conduct of audits or investigations of physicians. In the conduct of such audits or investigations, the secretary may examine only those records or portions thereof, including patient records, for which services were rendered by a health care provider and reimbursed by the department, notwithstanding the provisions of RCW 5.60.060, 18.53.200, 18.83.110, or any other statute which may make or purport to make such records privileged or confidential: **PROVIDED**, That no original patient records shall be removed from the premises of the health care provider, and that the disclosure of any records or information by the department of social and health services is prohibited and constitutes a violation of RCW 42.22.040, unless such disclosure is directly connected to the official purpose for which the records or information were obtained: **PROVIDED FURTHER**, That the disclosure of patient information as required under this section shall not subject any physician or other health services provider to any liability for breach of any confidential relationship between the provider and the patient, but no evidence resulting from such disclosure may be used in any civil, administrative, or criminal proceeding against the patient unless a waiver of the applicable evidentiary privilege is obtained: **PROVIDED FURTHER**, That the secretary shall destroy all copies of patient medical records in their possession upon completion of the audit, investigation or proceedings;

(2) Issue subpoenas, compel the attendance of witnesses, administer oaths, certify to official acts, take depositions within and without the state of Washington as now provided by law, and compel the production of pertinent books, payrolls, accounts, papers, records, documents, and testimony relevant to such investigation. If a person in attendance before such secretary or his authorized representative refuses, without reasonable cause, to be examined or to answer a legal and pertinent question, or to produce a book or paper or other evidence when ordered to do so by the secretary or his authorized representative, said secretary or his authorized representative may apply to the judge of the superior court of the county where such person is in attendance, upon affidavit, for an order returnable in not less than two nor more than five days, directing such person to show cause before such judge, or any other judge of such county, why he should not produce such records. Upon the hearing of such order, if the judge shall determine that such person has refused, without reasonable cause or legal excuse, to be examined or to answer a legal or pertinent question, or to produce a book or

paper which he was ordered to bring or produce, he may forthwith punish the offender for contempt of court. Subpoenas shall be served and witness fees and mileage paid as allowed in civil cases in the superior courts of this state;

(3) Approve or deny applications to participate as a provider of services furnished pursuant to this chapter;

(4) Terminate or suspend eligibility to participate as a provider of services furnished pursuant to this chapter; and

(5) Adopt, promulgate, amend, and rescind administrative rules and regulations, in accordance with the administrative procedure act, chapter 34.04 RCW, to carry out the policies and purposes of sections 1 through 10 of this act.

NEW SECTION. Sec. 11. There is added to chapter 74.09 RCW a new section to read as follows:

Whenever the secretary of the department of social and health services imposes a civil penalty under section 2 of this act, or terminates or suspends a provider's eligibility under section 10 of this act, he shall, if the provider is licensed pursuant to Titles 18, 70, or 71 RCW, give written notice of such imposition, termination, or suspension to the appropriate licensing agency or disciplinary board.

NEW SECTION. Sec. 12. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the Senate April 30, 1979.

Passed the House April 27, 1979.

Approved by the Governor May 10, 1979.

Filed in Office of Secretary of State May 10, 1979.

CHAPTER 153

[Substitute Senate Bill No. 2375]

CIVIL SERVICE FOR SHERIFFS' OFFICES

AN ACT Relating to civil service for sheriffs' offices; amending section 5, chapter 1, Laws of 1959 and RCW 41.14.050; amending section 6, chapter 1, Laws of 1959 and RCW 41.14.060; amending section 7, chapter 1, Laws of 1959 as amended by section 1, chapter 186, Laws of 1975 1st ex. sess. and RCW 41.14.070; amending section 13, chapter 1, Laws of 1959 and RCW 41.14.130; adding a new section to chapter 36.28 RCW; and adding a new section to chapter 41.14 RCW.

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

Section 1. Section 5, chapter 1, Laws of 1959 and RCW 41.14.050 are each amended to read as follows:

Immediately after appointment the commission shall organize by electing one of its members chairman and shall hold regular meetings at least

once a month, and such additional meetings as may be required for the proper discharge of its duties.

It shall appoint a chief examiner who shall also serve as secretary of the commission and such assistants as may be necessary. The chief examiner shall keep the records for the commission, preserve all reports made to it, superintend and keep a record of all examinations held under its direction, and perform such other duties as the commission may prescribe.

The chief examiner shall be appointed as a result of competitive examination, which examination ~~((may be either original and))~~ must be open to all properly qualified citizens of the county ~~((, or promotional and limited to persons already in the service of the county sheriff's office))~~: PROVIDED, That no appointee of the commission, either as chief examiner or as an assistant to the chief examiner, shall be an employee of the sheriff's department. The chief examiner may be subject to suspension, reduction, or discharge in the same manner and subject to the same limitations as are provided in the case of members of the classified service.

Sec 2. Section 6, chapter 1, Laws of 1959 and RCW 41.14.060 are each amended to read as follows:

It shall be the duty of the civil service commission:

(1) To make suitable rules and regulations not inconsistent with the provisions hereof. Such rules and regulations shall provide in detail the manner in which examinations may be held, and appointments, promotions, reallocations, transfers, reinstatements, demotions, suspensions, and discharges shall be made, and may also provide for any other matters connected with the general subject of personnel administration, and which may be considered desirable to further carry out the general purposes of this chapter, or which may be found to be in the interest of good personnel administration. The rules and regulations and any amendments thereof shall be printed, mimeographed, or multigraphed for free public distribution. Such rules and regulations may be changed from time to time.

(2) To give practical tests which shall consist only of subjects which will fairly determine the capacity of persons examined to perform duties of the position to which appointment is to be made. Such tests may include tests of physical fitness or manual skill or both.

(3) To make investigations concerning and report upon all matters touching the enforcement and effect of the provisions of this chapter, and the rules and regulations prescribed hereunder; to inspect all departments, offices, places, positions, and employments affected by this chapter, and ascertain whether this chapter and all such rules and regulations are being obeyed. Such investigations may be made by the commission or by any commissioner designated by the commission for that purpose. Not only must these investigations be made by the commission as aforesaid, but the commission must make like investigation on petition of a citizen, duly verified, stating that irregularities or abuses exist, or setting forth in concise

language, in writing, the necessity for such investigation. In the course of such investigation the commission or designated commissioner, or chief examiner, may administer oaths, subpoena and require the attendance of witnesses and the production by them of books, papers, documents, and accounts appertaining to the investigation and also cause the deposition of witnesses residing within or without the state to be taken in the manner prescribed by law for like depositions in civil actions in the superior court; and the oaths administered and the subpoenas issued hereunder shall have the same force and effect as the oaths administered and subpoenas issued by a superior court judge in his judicial capacity; and the failure of any person so subpoenaed to comply with the provisions of this section shall be deemed a violation of this chapter, and punishable as such.

(4) To conduct hearings and investigations in accordance with this chapter and by the rules of practice and procedure adopted by the commission, and in the conduct thereof neither the commission, nor designated commissioner shall be bound by technical rules of evidence. No informality in any proceedings or hearing, or in the manner of taking testimony before the commission or designated commissioner, shall invalidate any order, decision, rule, or regulation made, approved, or confirmed by the commission: PROVIDED, That no order, decision, rule, or regulation made by any designated commissioner conducting any hearing or investigation alone shall be of any force or effect whatsoever unless and until concurred in by at least one of the other two members.

(5) To hear and determine appeals or complaints respecting the allocation of positions, the rejection of an examinee, and such other matters as may be referred to the commission.

(6) To provide for, formulate, and hold competitive tests to determine the relative qualifications of persons who seek employment in any class or position and as a result thereof establish eligible lists for the various classes of positions, and provide that persons laid off, or who have accepted voluntary demotion in lieu of layoff, because of curtailment of expenditures, reduction in force, and for like causes, head the list in the order of their seniority, to the end that they shall be the first to be reemployed or reinstated in their former job class.

(7) To certify to the appointing authority, when a vacant position is to be filled, on written request, the names of the three persons highest on the eligible list for the class. If there is no such list, to authorize a provisional or temporary appointment list for such class. Such temporary provisional appointment shall not continue for a period longer than four months; nor shall any person receive more than one provisional appointment or serve more than four months as provisional appointee in any one fiscal year.

(8) To keep such records as may be necessary for the proper administration of this chapter.

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Sec. 3. Section 7, chapter 1, Laws of 1959 as amended by section 1, chapter 186, Laws of 1975 1st ex. sess. and RCW 41.14.070 are each amended to read as follows:

The classified civil service and provisions of this chapter shall include all deputy sheriffs and other employees of the office of sheriff in each county except the ~~((following positions which are hereby designated the unclassified service:~~

~~(1) The~~) county sheriff in every county((;

~~(2) In each class A and class AA county, the positions of undersheriff, inspector, chief criminal deputy, chief civil deputy, jail superintendent, and one private secretary. PROVIDED, That)) and an additional number of positions, designated the unclassified service, determined as follows:~~

<u>Staff Personnel</u>	<u>Unclassified Position Appointments</u>
<u>1 through 10</u>	<u>2</u>
<u>11 through 20</u>	<u>3</u>
<u>21 through 50</u>	<u>4</u>
<u>51 through 100</u>	<u>5</u>
<u>101 and over</u>	<u>6</u>

The unclassified position appointments authorized by this section must include selections from the following positions up to the limit of the number of positions authorized: Undersheriff, inspector, chief criminal deputy, chief civil deputy, jail superintendent, and administrative assistant or administrative secretary. The initial selection of specific positions to be exempt shall be made by the sheriff, who shall notify the civil service commission of his selection. Subsequent changes in the designation of which positions are to be exempt may be made only with the concurrence of the sheriff and the civil service commission, and then only after the civil service commission has heard the issue in open meeting. Should the position or positions initially selected by the sheriff to be exempt (unclassified) pursuant to this section be under the classified civil service at the time of such selection, and should it (or they) be occupied, the employee(s) occupying said position(s) shall have the right to return to the next highest position or a like position under classified civil service.

The legislative authority of any class AA county operating under a home rule charter may designate unclassified positions of administrative responsibility not to exceed twelve positions((;

~~(3) In each county of the first class, second class, and third class, three principal positions comparable to undersheriff, a chief criminal deputy, and a chief civil deputy;~~

~~(4) In each of all other counties, one position to be appointed by the sheriff)).~~

Sec. 4. Section 13, chapter 1, Laws of 1959 and RCW 41.14.130 are each amended to read as follows:

Whenever a position in the classified service becomes vacant, the appointing power, if it desires to fill the vacancy, shall requisition the commission for the names and addresses of ((a)) persons eligible for appointment thereto. The commission shall certify the names of the three persons highest on the eligible list for the class to which the vacant position has been allocated, who ((is)) are willing to accept employment. If there is no appropriate eligible list for the class, the commission shall certify the names of the three persons standing highest on the list held appropriate for such class. If more than one vacancy is to be filled an additional name shall be certified for each additional vacancy. The appointing power shall forthwith appoint ((such)) a person from those certified to the vacant position.

To enable the appointing power to exercise a greater degree of choice in the filling of positions, no appointment, employment, or promotion in any position in the classified service shall be deemed complete until after the expiration of a period of one year's probationary service, as may be provided in the rules of the civil service commission, during which the appointing power may terminate the employment of the person ((certified to him)) appointed, if during the performance test thus afforded, upon observation or consideration of the performance of duty, the appointing power deems ((him)) such person unfit or unsatisfactory for service in the office of county sheriff. Thereupon the appointing power shall ((designate the person certified as standing next highest on any such list)) again requisition the commission for the names and addresses of persons eligible for appointment in the manner provided by this section and ((such)) the person appointed in the manner provided by this section shall likewise enter upon said duties for the probationary period, until some person is found who is deemed fit for appointment, employment, or promotion whereupon the appointment, employment, or promotion shall be deemed complete.

NEW SECTION. Sec. 5. There is added to chapter 41.14 RCW a new section to read as follows:

Any classified employee having civil service status in a position may take an appointment in an exempt position in the same county and maintain the right to return to his or her regular position or to a like position at the conclusion of such appointment. Such employee must apply to return to classified service within thirty calendar days of:

- (1) Termination of employment in such exempt position; or
- (2) Termination of employment in any other exempt position in which the employee subsequently serves provided there was no break in service with the county of more than thirty calendar days.

NEW SECTION. Sec. 6. There is added to chapter 36.28 RCW a new section to read as follows:

A person who files a declaration of candidacy for the office of sheriff after the effective date of this act, shall have, within twelve months of assuming office, a certificate of completion of a basic law enforcement training program which complies with standards adopted by the criminal justice training commission pursuant to RCW 43.101.080 and 43.101.160.

This requirement does not apply to persons holding the office of sheriff in any county on the effective date of this act.

Passed the Senate April 28, 1979.

Passed the House April 27, 1979.

Approved by the Governor May 10, 1979.

Filed in Office of Secretary of State May 10, 1979.

CHAPTER 154

[Senate Bill No. 2462]

STATE FUNDS—AUTHORIZED INVESTMENTS

AN ACT Relating to investment of state funds; and amending section 43.84.080, chapter 8, Laws of 1965 as last amended by section 1, chapter 4, Laws of 1975 1st ex. sess. and RCW 43.84.080.

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

Section 1. Section 43.84.080, chapter 8, Laws of 1965 as last amended by section 1, chapter 4, Laws of 1975 1st ex. sess. and RCW 43.84.080 are each amended to read as follows:

Wherever there is in any fund or in cash balances in the state treasury more than sufficient to meet the current expenditures properly payable therefrom, the state finance committee, or upon authorization from the state finance committee, then the state treasurer, may invest or reinvest such portion of such funds or balances as the state treasurer deems expedient in the following defined securities or classes of investments: PROVIDED, That the state treasurer shall provide a monthly report of such investments and reinvestments to the state finance committee:

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

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

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

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

(5) Bankers' acceptances purchased on the secondary market.

Passed the Senate March 21, 1979.

Passed the House April 27, 1979.

Approved by the Governor May 10, 1979.

Filed in Office of Secretary of State May 10, 1979.

CHAPTER 155

[Engrossed Substitute Senate Bill No. 2532]

PUBLIC HOSPITAL DISTRICTS—FACILITIES CONSTRUCTION MORTGAGE LOANS—NURSING HOME CONSTRUCTION

AN ACT Relating to public hospital districts; amending section 6, chapter 264, Laws of 1945 as last amended by section 1, chapter 211, Laws of 1977 ex. sess. and RCW 70.44.060; amending section 1, chapter 264, Laws of 1945 as amended by section 1, chapter 165, Laws of 1974 ex. sess. and RCW 70.44.005; and creating a new section.

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

Section 1. Section 6, chapter 264, Laws of 1945 as last amended by section 1, chapter 211, Laws of 1977 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 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 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 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 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 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 mortgage land owned by the district, together with any improvements located thereon, for the purpose of constructing hospital or other health care facilities. The issuance of a mortgage and note under this subsection shall not be subject to the applicable limitations and requirements provided in RCW 39.36.020 as now or hereafter amended: PROVIDED,

That such mortgage and note shall be authorized by an affirmative vote of the voters of said district voting at a general election or an election held for that purpose.

(8) 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))~~ (9) 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))~~ (10) To pay actual necessary travel expenses and living expenses incurred while in travel status for (a) qualified physicians who are candidates for medical staff positions, and (b) other qualified persons who are candidates for superintendent or other managerial and technical positions, when the district finds that hospitals or other health care facilities owned and operated by it are not adequately staffed and determines that personal interviews with said candidates to be held in the district are necessary or desirable for the adequate staffing of said facilities.

~~((10))~~ (11) 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. 2. Section 1, chapter 264, Laws of 1945 as amended by section 1, chapter 165, Laws of 1974 ex. sess. 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 eighteen thousand may not construct nursing homes~~)).

NEW SECTION. Sec. 3. 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 March 30, 1979.

Passed the House April 25, 1979.

Approved by the Governor May 10, 1979.

Filed in Office of Secretary of State May 10, 1979.

CHAPTER 156

[Engrossed Senate Bill No. 2905]

ELECTRICIANS, JOURNEYMAN, APPRENTICE, TRAINEE—CERTIFICATION

AN ACT Relating to electricians; amending section 1, chapter 206, Laws of 1973 1st ex. sess. as last amended by section 1, chapter 39, Laws of 1975-'76 2nd ex. sess. and RCW 18.37.010; amending section 2, chapter 206, Laws of 1973 1st ex. sess. as last amended by section 2, chapter 39, Laws of 1975-'76 2nd ex. sess. and RCW 18.37.020; amending section 3, chapter 206, Laws of 1973 1st ex. sess. as amended by section 3, chapter 39, Laws of 1975-'76 2nd ex. sess. and RCW 18.37.030; amending section 4, chapter 206, Laws of 1973 1st ex. sess. as last amended by section 4, chapter 39, Laws of 1975-'76 2nd ex. sess. and RCW 18.37.040; amending section 5, chapter 206, Laws of 1973 1st ex. sess. as amended by section 5, chapter 39, Laws of 1975-'76 2nd ex. sess. and RCW 18.37.050; amending section 8, chapter 206, Laws of 1973 1st ex. sess. as amended by section 7, chapter 39, Laws of 1975-'76 2nd ex. sess. and RCW 18.37.080; amending section 14, chapter 206, Laws of 1973 1st ex. sess. and RCW 18.37.140; amending section 15, chapter 206, Laws of 1973 1st ex. sess. and RCW 18.37.150; and prescribing penalties.

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

Section 1. Section 1, chapter 206, Laws of 1973 1st ex. sess. as last amended by section 1, chapter 39, Laws of 1975-'76 2nd ex. sess. and RCW 18.37.010 are each amended to read as follows:

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

- (1) "Advisory board" means the state advisory board of electricians;
- (2) "Department" means the department of labor and industries;
- (3) "Director" means director of department of labor and industries;
- (4) "Journeyman electrician" means any person who has been issued a certificate of competency by the department of labor and industries as provided in this chapter for the installation of electrical equipment for light, heat, or power.

(5) "Specialty electrician" means anyone who has been issued a specialty certificate of competency by the department ~~((of labor and industries))~~ to maintain or install specific kinds of electrical equipment or apparatus which the department shall define by rule.

Sec. 2. Section 2, chapter 206, Laws of 1973 1st ex. sess. as last amended by section 2, chapter 39, Laws of 1975-'76 2nd ex. sess. and RCW 18.37.020 are each amended to read as follows:

(1) No person shall engage in ~~((the business or trade as a journeyman electrician or specialty electrician))~~ the trade of maintaining or installing electrical equipment or apparatus for light, heat, or power without having a current journeyman electrician certificate of competency or a current specialty electrician certificate of competency issued by the department in accordance with the provisions of this chapter.

(2) ~~((The business or trade of electrician, as herein used, shall encompass all acts involving installation or maintenance of the distribution of~~

electricity, except as is hereinafter specifically excluded)) A person who is indentured in an approved apprenticeship program under chapter 49.04 RCW for the electrical construction trade or who is learning the electrical construction trade, may maintain or install electrical equipment or apparatus for light, heat, or power if supervised by a certified journeyman electrician or a certified specialty electrician. All apprentices and individuals learning the electrical construction trade shall obtain and be issued an electrical training certificate from the department. The certificate shall authorize the holder to learn the trade of an electrician while under the direct supervision of a journeyman electrician or a specialty electrician working in his specialty. The holder of the certificate shall renew the certificate annually. At the time of renewal, the holder shall provide the department with an accurate list of the holders' employers in the electrical industry for the previous year and the number of hours worked for each employer. An annual fee of five dollars shall be charged for the issuance or renewal of the certificate. Apprentices or individuals learning the electrical construction trade shall have their electrical training certificate in their possession at all times that they are performing electrical work. They shall show the certificate to an authorized representative of the department at the representative's request.

(3) Any person who has been issued an electrical training certificate under this chapter may work if that person is under supervision. Supervision shall consist of a person being on the same job site and under the control of either a journeyman electrician or an appropriate specialty electrician who has an applicable certificate of competency issued under this chapter. Either a journeyman electrician or an appropriate specialty electrician shall be on the same job site as the noncertified individual for a minimum of seventy-five percent of each working day unless otherwise provided in this chapter. The ratio of noncertified individuals to certified journeymen or specialty electricians working on a job site shall be:

(a) From the effective date of this 1979 act through December 31, 1982, not more than three noncertified electricians working on any one job site for every certified journeyman or specialty electrician;

(b) Effective January 1, 1983, not more than two noncertified individuals working on any one job site for every specialty electrician or journeyman electrician working as a specialty electrician as defined by this chapter;

(c) Effective January 1, 1983, not more than than one noncertified individual working on any one job site for every certified journeyman electrician as defined by this chapter.

The ratio requirements do not apply to a trade school program in the electrical construction trade established during 1946.

An individual with a current training certificate and who has successfully completed or is currently enrolled in an approved apprenticeship program or in a technical school program in the electrical construction trade in a school approved by the commission for vocational education, may work

without direct on-site supervision during the last six months of meeting the practical experience requirements of this chapter.

Sec. 3. Section 3, chapter 206, Laws of 1973 1st ex. sess. as amended by section 3, chapter 39, Laws of 1975-'76 2nd ex. sess. and RCW 18.37.030 are each amended to read as follows:

Any person desiring to be issued a certificate of competency as provided in this chapter shall deliver evidence in a form prescribed by the department affirming that said person has ~~((had sufficient experience in as well as demonstrated general competency in the electrical trade or electrical specialty so as to qualify him to make an application for a certificate of competency as a journeyman electrician or specialty electrician: PROVIDED, That successful completion of a course of study in the electrical trade as defined by this chapter in the armed services of the United States or at a school accredited by the coordinating council on occupational education shall constitute sufficient evidence of experience and competency to enable such person to make application for a certificate of competency: PROVIDED, FURTHER, That completion of such a course of study shall be substitutable for the practical experience required by RCW 18.37.040 only according to the duration of the course:~~

In addition to supplying the evidence as prescribed in this section, each applicant for a certificate of competency shall submit an application for such certificate on such form and in such manner as shall be prescribed by the director of the department)) met the qualifications required under RCW 18.37.040, as now or hereafter amended.

Sec. 4. Section 4, chapter 206, Laws of 1973 1st ex. sess. as last amended by section 4, chapter 39, Laws of 1975-'76 2nd ex. sess. and RCW 18.37.040 are each amended to read as follows:

Upon receipt of the application ~~((and evidence set forth in RCW 18.37-:030)), the ((director)) department shall review the same and make a determination as to whether the applicant is eligible to take an examination for the certificate of competency. To be eligible to take the examination for a journeyman certificate the applicant must have worked under the supervision of a journeyman electrician ((or)) certified under this chapter for a minimum of four years employed full time or have successfully completed an approved apprenticeship program under chapter 49.04 RCW for the electrical construction trade. To be eligible to take the examination to become a specialty electrician the applicant shall have worked under the supervision of the appropriate specialty electrician certified under this ((law: A journeyman electrician shall have satisfactorily attended for a minimum of two years and successfully completed an accredited vocational or technical school program related to the electrical trade, or shall furnish written evidence that he has had at least four years practical experience in the wiring for the installation of electrical equipment of light, heat, and power. A specialty electrician shall furnish written evidence that he has had at least~~

~~two years practical experience in his specialty))~~ chapter for a minimum of two years employed full time, or have successfully completed an approved apprenticeship program under chapter 49.04 RCW for the applicant's specialty in the electrical construction trade. Any applicant who has successfully completed a two-year technical school program in the electrical construction trade in a school that is approved by the commission for vocational education may substitute up to two years of the technical school program for two years of work experience under a journeyman electrician: PROVIDED, That the additional work experience shall run prior to or after the completion of the technical school program. Any applicant who has received training in the electrical construction trade, as defined by this chapter, in the armed service of the United States may be eligible to take the examination for the certificate of competency. Any applicant who is a graduate of a trade school program in electrical construction that was established during 1946, shall be eligible to take the examination for the certificate of competency. No other requirement for eligibility may be imposed. The ((director)) department shall establish reasonable rules and regulations for the examinations to be given applicants for certificates of competency. In establishing said rules, regulations, and criteria, the ((director)) department shall consult with the state advisory board of electricians as established in RCW 18.37.100. Upon determination that the applicant is eligible to take the examination, the ((director)) department shall so notify ((him)) the applicant, indicating the time and place for taking the same.

Sec. 5. Section 5, chapter 206, Laws of 1973 1st ex. sess. as amended by section 5, chapter 39, Laws of 1975-'76 2nd ex. sess. and RCW 18.37.050 are each amended to read as follows:

The department, in coordination with the advisory board, shall prepare ~~((a written))~~ an examination to be administered to applicants for certificates of competency. The examination shall be so constructed to determine:

(1) Whether the applicant possesses varied general knowledge of the technical information and practical procedures that is identified with the status of journeyman electrician or specialty electrician; and

(2) Whether the applicant is sufficiently familiar with the applicable electrical codes and the administrative rules ~~((and regulations))~~ of the department pertaining to electrical installations and electricians.

The department shall administer at least ~~((twice))~~ four times annually the examination to persons eligible to take the same under the provisions of RCW 18.37.040. All applicants shall, before taking such examination, pay to the department a fifteen dollar fee: PROVIDED, That any applicant taking said examination shall pay only such additional fee as is necessary to cover the costs of administering such additional examination.

The department shall certify the results of said examination, upon such terms and after such period of time as the ~~((director))~~ department, in cooperation with the advisory board, shall deem necessary and proper.

Sec. 6. Section 8, chapter 206, Laws of 1973 1st ex. sess. as amended by section 7, chapter 39, Laws of 1975-'76 2nd ex. sess. and RCW 18.37.080 are each amended to read as follows:

The department is authorized to grant and issue temporary permits in lieu of certificates of competency whenever an electrician coming into the state of Washington from another state requests the department for a temporary permit to engage in the business and trade of electrical installation as an electrician during the period of time between filing of an application for a certificate as provided in RCW 18.37.030 and taking the examination provided for in RCW 18.37.050(~~(-PROVIDED, That)~~). The department is authorized to enter into reciprocal agreements with other states providing for the acceptance of such states' journeyman certificate of competency or its equivalent when such states requirements are equal to the standards set by this chapter(~~(-AND PROVIDED FURTHER, That)~~). No temporary permit shall be issued to:

(1) Any person who has failed to pass the examination for a certificate of competency(~~(;)~~), except that any person who has failed the examination for competency under this section shall be entitled to continue to work under a temporary permit for ninety days if the person is enrolled in a journeyman electrician refresher course and shows evidence to the department that he or she has not missed any classes. The person, after completing the journeyman electrician refresher course, shall be eligible to retake the examination for competency at the next scheduled time.

(2) Any applicant under this section who has not furnished the department with such evidence required under RCW 18.37.030(~~(;)~~);

(3) To any apprentice electrician.

Sec. 7. Section 14, chapter 206, Laws of 1973 1st ex. sess. and RCW 18.37.140 are each amended to read as follows:

Nothing in this chapter shall be construed to require that a person obtain a license or a certified electrician in order to do electrical work at his residence or farm or place of business or on other property owned by him: PROVIDED, HOWEVER, That nothing in this chapter shall be intended to derogate from or dispense with the requirements of any valid electrical code enacted by a political subdivision of the state, except that no code shall require the holder of a certificate of competency to demonstrate any additional proof of competency or obtain any other license or pay any fee in order to engage in the trade of electrical installation: AND PROVIDED FURTHER, That this chapter shall not apply to common carriers subject to Part I of the Interstate Commerce Act, nor to their officers and employees: AND PROVIDED FURTHER, That nothing in this chapter shall be deemed to apply to the installation or maintenance of communications or electronic circuits, wires and apparatus, radio or television stations; nor to any electrical (~~(public)~~) utility or its employees, in the installations and maintenance of electrical wiring, circuits, apparatus, and equipment by or

for such ((public)) utility, or comprising a part of its plants, lines or systems. The licensing provisions of this chapter shall not apply to persons making electrical installations on their own property or to regularly employed employees working on the premises of their employer: AND PROVIDED FURTHER, That nothing in this chapter shall be construed to restrict the right of any householder to assist or receive assistance from a friend, neighbor, relative or other person when none of the individuals doing such electrical installation hold themselves out as engaged in the trade or business of electrical installations.

Sec. 8. Section 15, chapter 206, Laws of 1973 1st ex. sess. and RCW 18.37.150 are each amended to read as follows:

~~((Violation of this chapter or of the department rules and regulations provided for in this chapter by a person, firm, or corporation, shall be punishable by a fine of not more than fifty dollars. Each day of such violation constitutes a separate offense))~~ (1) It is unlawful for any person, firm, or corporation to employ an individual for purposes of this chapter who has not been issued a certificate of competency or a learning certificate. It is unlawful for any individual to maintain or install any electrical equipment or apparatus for light, heat, or power without having in his or her possession a certificate of competency or a learning certificate under this chapter. Any person, firm, or corporation found in violation of this chapter shall be punished by a fine of not less than fifty dollars. Any equipment or apparatus maintained or installed by any person who does not possess a certificate of competency under this chapter shall not receive a safe wiring label and electrical service shall not be connected or maintained to operate the equipment or apparatus. Each day that a person, firm, or corporation violates the provisions of this chapter is a separate violation.

(2) A civil penalty shall be collected in a civil action brought by the attorney general or the prosecuting attorney of the county wherein the alleged violation arose at the request of the department if any of the provisions of this chapter or any rules promulgated under this chapter are violated.

Passed the Senate April 30, 1979.

Passed the House April 27, 1979.

Approved by the Governor May 10, 1979.

Filed in Office of Secretary of State May 10, 1979.

CHAPTER 157

[Senate Bill No. 2224]

VOLUNTEER FIREMEN'S PENSIONS—SERVICE TIME—MONTHLY BENEFITS

AN ACT Relating to the volunteer firemen's relief and pension system; amending section 17, chapter 261, Laws of 1945 as last amended by section 2, chapter 170, Laws of 1973 1st

ex. sess. and RCW 41.24.170; and amending section 7, chapter 263, Laws of 1955 as amended by section 9, chapter 118, Laws of 1969 and RCW 41.24.300.

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

Section 1. Section 17, chapter 261, Laws of 1945 as last amended by section 2, chapter 170, Laws of 1973 1st ex. sess. and RCW 41.24.170 are each amended to read as follows:

Whenever any fireman has been a member and served honorably for a period of ~~((twenty-five))~~ ten years or more as an active member in any capacity, of any regularly organized volunteer fire department of any municipality in this state, and which municipality and fireman are enrolled under the retirement provisions, and the fireman has reached the age of sixty-five years, the board of trustees shall order and direct that he be retired and be paid a monthly pension as provided in this section.

Whenever a fireman has been a member, and served honorably for a period of twenty-five years or more as an active member in any capacity, of any regularly organized volunteer fire department of any municipality in this state, and he has reached the age of sixty-five years, and the annual retirement fee has been paid for a period of twenty-five years, the board of trustees shall order and direct that he be retired and such fireman be paid a monthly pension of one hundred fifty dollars from the fund for the balance of his life.

Whenever any fireman has been a member, and served honorably for a period of twenty-five years or more as an active member in any capacity, of any regularly organized volunteer fire department of any municipality in this state, and the fireman has reached the age of sixty-five years, and the annual retirement fee has been paid for a period of less than twenty-five years, the board of trustees shall order and direct that he be retired and that such fireman shall receive a minimum monthly pension of twenty-five dollars increased by the sum of ~~((three))~~ five dollars each month for each year the annual fee has been paid, but not to exceed the maximum monthly pension herein provided, for the balance of his life.

No pension herein provided ~~((shall))~~ may become payable before the sixty-fifth birthday of the fireman, nor for any service less than twenty-five years: PROVIDED, HOWEVER, That:

(1) Any fireman, upon completion of twenty-five years' service and attainment of age sixty, may irrevocably elect, in lieu of the pension to which he would be entitled hereunder at age sixty-five, to receive for the balance of his life a monthly pension equal to sixty percent of such pension.

(2) Any fireman, upon completion of twenty-five years' service and attainment of age sixty-two, may irrevocably elect, in lieu of the pension to which he would be entitled hereunder at age sixty-five, to receive for the balance of his life a monthly pension equal to seventy-five percent of such pension.

(3) Any fireman, upon completion of less than twenty-five years of service shall receive the applicable reduced pension provided below, according to the age at which he elects to begin to receive the pension. If receipt of the benefits begins at age sixty-five he shall receive one hundred percent of the reduced benefit; at age sixty-two he shall receive seventy-five percent of the reduced benefit; and at age sixty he shall receive sixty percent of the reduced benefit. The reduced benefit shall be computed as follows:

(a) Upon completion of ten years, but less than fifteen years of service, a monthly pension equal to fifteen percent of such pension as he would have been entitled to receive at age sixty-five after twenty-five years of service;

(b) Upon completion of fifteen years, but less than twenty years of service, a monthly pension equal to thirty percent of such pension as he would have been entitled to receive at age sixty-five after twenty-five years of service; and

(c) Upon completion of twenty years, but less than twenty-five years of service, a monthly pension equal to sixty percent of such pension as he would have been entitled to receive at age sixty-five after twenty-five years of service.

(4) Any monthly pension, payable to any fireman, which will not, under the provisions of this section, amount to twenty-five dollars, may be converted into a lump sum payment to the value of the annuity then remaining, as fixed and certified by the state insurance commissioner. Such conversion may be made either upon written application to the state board and shall rest at the discretion of the state board; or the state board may make, on its own motion, lump sum payments, equal or proportionate, as the case may be, to the value of the annuity then remaining in full satisfaction of claims due. Any person receiving a monthly payment of less than twenty-five dollars at the time of the effective date of this 1979 act, may elect, within two years, to convert such payments into a lump sum payment as herein provided.

Sec. 2. Section 7, chapter 263, Laws of 1955 as amended by section 9, chapter 118, Laws of 1969 and RCW 41.24.300 are each amended to read as follows:

All expenses incurred by the state board shall be accomplished by vouchers signed by ~~((two members))~~ the secretary and one member of the state board and issued to the persons entitled thereto and sent to the proper state agency. The proper state agency shall issue a warrant on the fund for the amount specified.

Passed the Senate March 21, 1979.

Passed the House April 1, 1979.

Approved by the Governor May 11, 1979.

Filed in Office of Secretary of State May 11, 1979.

CHAPTER 158

[Substitute Senate Bill No. 2442]

ENERGY EMERGENCY AUTHORITY—TERMINATION DATE—
APPROPRIATION

AN ACT Relating to energy distribution systems; amending section 18, chapter 108, Laws of 1975-'76 2nd ex. sess. as amended by section 4, chapter 328, Laws of 1977 ex. sess. and RCW 43.21G.040; and making an appropriation.

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

Section 1. Section 18, chapter 108, Laws of 1975-'76 2nd ex. sess. as amended by section 4, chapter 328, Laws of 1977 ex. sess. and RCW 43.21G.040 are each amended to read as follows:

(1) The governor may subject to the definitions and limitations provided in this chapter:

(a) Upon finding that an energy supply alert exists within this state or any part thereof, declare a condition of energy supply alert; or

(b) Upon finding that an energy emergency exists within this state or any part thereof, declare a condition of energy emergency. A condition of energy emergency shall terminate thirty consecutive days after the declaration of such condition if the legislature is not in session at the time of such declaration and if the governor fails to convene the legislature pursuant to Article III, section 7 of the Constitution of the state of Washington within thirty consecutive days of such declaration. If the legislature is in session or convened, in accordance with this subsection, the duration of the condition of energy emergency shall be limited in accordance with subsection (3) of this section.

Upon the declaration of a condition of energy supply alert or energy emergency, the governor shall present to the committee any proposed plans for programs, controls, standards, and priorities for the production, allocation, and consumption of energy during any current or anticipated condition of energy emergency, any proposed plans for the suspension or modification of existing rules of the Washington Administrative Code, and any other relevant matters the governor deems desirable. The governor shall review any recommendations of the committee concerning such plans and matters.

Upon the declaration of a condition of energy supply alert or energy emergency, the emergency powers as set forth in this chapter shall become effective only within the area described in the declaration.

(2) A condition of energy supply alert shall terminate ninety consecutive days after the declaration of such condition unless:

(a) Extended by the governor upon issuing a finding that the energy supply alert continues to exist, and with prior approval of such an extension by the committee; or

(b) Extended by the governor based on a declaration by the president of the United States of a national state of emergency in regard to energy supply; or

(c) Upon the request of the governor, extended by declaration of the legislature by concurrent resolution of a continuing energy supply alert.

In the event any such initial extension is implemented, the condition shall terminate one hundred and fifty consecutive days after the declaration of such condition. One or more subsequent extensions may be implemented through the extension procedures set forth in this subsection. In the event any such subsequent extension is implemented, the condition shall terminate sixty consecutive days after the implementation of such extension.

(3) A condition of energy emergency shall terminate forty-five consecutive days after the declaration of such condition unless:

(a) Extended by the governor upon issuing a finding that the energy emergency continues to exist, and with prior approval of such an extension by the committee; or

(b) Extended by the governor based on a declaration by the president of the United States of a national state of emergency in regard to energy supply; or

(c) Upon the request of the governor, extended by declaration of the legislature by concurrent resolution of a continuing energy emergency.

In the event any such initial extension is implemented, the condition shall terminate ninety consecutive days after the declaration of such condition. One or more subsequent extensions may be implemented through the extension procedures set forth in this subsection. In the event any such subsequent extension is implemented, the condition shall terminate forty-five consecutive days after the implementation of such extension.

(4) A condition of energy supply alert or energy emergency shall cease to exist upon a declaration to that effect by either of the following: (a) The governor; or (b) the legislature, by concurrent resolution, if in regular or extraordinary session: PROVIDED, That the governor shall terminate a condition of energy supply alert or energy emergency when the energy supply situation upon which the declaration of a condition of energy supply alert or energy emergency was based no longer exists.

(5) In a condition of energy supply alert, the governor may, as deemed necessary to preserve and protect the public health, safety, and general welfare, and to minimize, to the fullest extent possible, the injurious economic, social, and environmental consequences of such energy supply alert, issue orders to: (a) Suspend or modify existing rules of the Washington Administrative Code of any state agency relating to the consumption of energy by such agency or to the production of energy, and (b) direct any state or local governmental agency to implement programs relating to the consumption of energy by the agency which have been developed by the governor or the agency and reviewed by the committee.

(6) In a condition of energy emergency, the governor may, as deemed necessary to preserve and protect the public health, safety, and general welfare, and to minimize, to the fullest extent possible, the injurious economic, social, and environmental consequences of such an emergency, issue orders to: (a) Implement programs, controls, standards, and priorities for the production, allocation, and consumption of energy; (b) suspend and modify existing pollution control standards and requirements or any other standards or requirements affecting or affected by the use of energy, including those relating to air or water quality control; and (c) establish and implement regional programs and agreements for the purposes of coordinating the energy programs and actions of the state with those of the federal government and of other states and localities.

The governor shall immediately transmit the declaration of a condition of energy supply alert or energy emergency and the findings upon which the declaration is based and any orders issued under the powers granted in this chapter to the committee.

Nothing in this chapter shall be construed to mean that any program, control, standard, priority or other policy created under the authority of the emergency powers authorized by this chapter shall have any continuing legal effect after the cessation of the condition of energy supply alert or energy emergency.

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, including, but not limited to, chapter 34.04 RCW, 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 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 law, rule, or directive unless specifically ordered by the governor. The emergency powers granted to the governor in this chapter shall expire on June 30, ~~(1980)~~ 1981.

NEW SECTION. Sec. 2. There is hereby appropriated to the state energy office from the general fund, the sum of two hundred fifty-one thousand dollars or so much thereof as shall be necessary for the biennium ending June 30, 1981. The appropriation provided for in this section shall be expended exclusively for the additional staff which may be needed to

handle fuel allocation requirements. If federal funds are received for this purpose an equal amount of this appropriation shall be placed in reserve.

Passed the Senate May 7, 1979.

Passed the House May 4, 1979.

Approved by the Governor May 11, 1979.

Filed in Office of Secretary of State May 11, 1979.

CHAPTER 159

[Engrossed Senate Bill No. 2506]

PUBLIC EMPLOYEES—MANDATORY RETIREMENT AGE

AN ACT Relating to mandatory retirement of public employees; and adding a new section to chapter 41.04 RCW.

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

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

(1) Notwithstanding any other provisions of law, no employee of the state of Washington or any of its political subdivisions or any institution supported in total or in part by the state or any of its political subdivisions, other than employees covered by chapters 41.26 and 43.43 RCW, shall be compelled to retire solely on the basis of age prior to attaining seventy years of age.

(2) All compulsory retirement provisions relating to public employees, other than employees covered by chapters 41.26 and 43.43 RCW, may be waived for individuals attaining seventy years of age by the individual's employer.

Passed the Senate March 28, 1979.

Passed the House May 4, 1979.

Approved by the Governor May 11, 1979.

Filed in Office of Secretary of State May 11, 1979.

CHAPTER 160

[Substitute House Bill No. 80]

CORRECTIONAL INSTITUTIONS—FACILITIES USE—PRIVATE BUSINESSES—PRISONER TRAINING AND REHABILITATION

AN ACT Relating to state institutions; amending section 2, chapter 17, Laws of 1967 and RCW 72.65.020; amending section 72.60.130, chapter 28, Laws of 1959 and RCW 72.60.130; amending section 2, chapter 40, Laws of 1972 ex. sess. and RCW 72.60.102; amending section 72.60.190, chapter 28, Laws of 1959 and RCW 72.60.190; and amending section 5, chapter 273, Laws of 1959 as last amended by section 86, chapter 75, Laws of 1977 and RCW 72.60.280.

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

Section 1. Section 2, chapter 17, Laws of 1967 and RCW 72.65.020 are each amended to read as follows:

(1) The ~~((director))~~ secretary is authorized to extend the limits of the place of confinement and treatment within the state of any prisoner convicted of a felony, sentenced to a term of confinement and treatment by the superior court, and serving such sentence in a state correctional institution under the jurisdiction of the department, by authorizing a work release plan for such prisoner, permitting him, under prescribed conditions, to do any of the following:

~~((+))~~ (a) Work at paid employment.

~~((2))~~ (b) Participate in a vocational training program: PROVIDED, That the tuition and other expenses of such a vocational training program shall be paid by the prisoner, by someone in his behalf, or by the department: PROVIDED FURTHER, That any expenses paid by the department shall be recovered by the department pursuant to the terms of RCW 72.65.050.

~~((3))~~ (c) Interview or make application to a prospective employer or employers, or enroll in a suitable vocational training program.

Such work release plan of any prison shall require that he be confined during the hours not reasonably necessary to implement the plan, in (1) a state correctional institution, (2) a county or city jail, which jail has been approved after inspection pursuant to RCW 72.01.420, or (3) any other appropriate, supervised facility, after an agreement has been entered into between the department and the appropriate authorities of the facility for the housing of work release prisoners.

(2) The secretary may lease or permit the use of a portion of any correctional facility, including necessary buildings, for a term not to exceed twenty years, to a private business organization for the purpose of establishing and operating a commercial enterprise deemed by the secretary to be consistent with the appropriate training and rehabilitation of prisoners.

Any business organization operating a commercial enterprise under this section may employ any inmates of the institution upon whose grounds it operates after such inmates have been authorized by the secretary to participate in the program. For the purposes of Washington law, the inmates participating in the program are deemed work releasees and are subject to all of the provisions of chapter 72.65 RCW.

Participants in the program are deemed to be parolees within the purview of 49 U.S.C. Sec. 60, and, except as prohibited by applicable provisions of the United States Code, prisoner participants in the program may be employed in the manufacture and processing of goods, wares, and merchandise for introduction into interstate commerce.

Any business organization established or participating in the program authorized under this section shall be deemed a private enterprise and subject to all the laws, rules, and regulations of this state governing the operation of similar business enterprises elsewhere in the state, and shall in no event pay prisoner participants in the program less than sixty percent of the prevailing wages for work of a similar nature performed by employees with similar skills in the locality in which the work is being performed: PROVIDED, That the provisions of this subsection (2) shall expire and be of no further force and effect after January 1, 1984.

Sec. 2. Section 72.60.130, chapter 28, Laws of 1959 and RCW 72.60-.130 are each amended to read as follows:

All articles, materials, and supplies, produced or manufactured under the provisions of this chapter shall be solely and exclusively for public use and no article, material, or supplies, produced or manufactured under the provisions of this chapter shall ever be sold, supplied, furnished, exchanged, or given away, for any private use or profit whatever(~~(-except)~~): PROVIDED, That(;) to avoid waste or spoilage and consequent loss to the state, byproducts and surpluses of agricultural and animal husbandry enterprises may be sold to private persons, at private sale, under rules prescribed by the ((director)) secretary: PROVIDED, FURTHER, That the term "public use" as used in this section is deemed to include any private nonprofit corporation which receives, or, if newly formed, reasonably expects to receive, more than fifty percent of its income from federal, state, or local governments.

Sec. 3. Section 2, chapter 40, Laws of 1972 ex. sess. and RCW 72.60-.102 are each amended to read as follows:

From and after July 1, 1973, any inmate employed in an industrial enterprise pursuant to the provisions of chapter 72.60 RCW, or in a department of natural resources adult honor camp, a labor camp, or a regional jail camp established under RCW 72.64.050, 72.64.060, or 72.64.100, respectively, shall be eligible for the benefits provided by Title 51 RCW, as now or hereafter amended, relating to industrial insurance, with the exceptions herein provided.

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

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

Sec. 4. Section 72.60.190, chapter 28, Laws of 1959 and RCW 72.60-.190 are each amended to read as follows:

The supervisor of purchasing for the state of Washington is authorized to enter into contracts for production of goods and supply of services and shall give preference in the purchase of materials and supplies for the institutions, departments and agencies of the state, to those produced by industries authorized and approved by the institutional industries commission.

Sec. 5. Section 5, chapter 273, Laws of 1959 as last amended by section 86, chapter 75, Laws of 1977 and RCW 72.60.280 are each amended to read as follows:

(1) The ((secretary)) commission shall prepare annually a report to the governor and the legislature, which report shall contain ((general information concerning institutional industrial and agricultural programs and)):

- (a) A detailed financial statement for each industrial enterprise;
- (b) Reasons for approving or terminating industrial enterprises;
- (c) Summary of plans to develop additional enterprises;
- (d) Assessment of productivity of goods;
- (e) Amounts of goods sold and identification of purposes;
- (f) Extent of cooperation with vocational educational programs;
- (g) Number of inmates employed and hours worked;
- (h) Average salary paid;
- (i) Number of state employees utilized;
- (j) Summary of inmate-operated businesses; and
- (k) Any further information requested by the governor or the legislature.

(2) The secretary shall submit to the legislature, no later than June 30, 1980, a comprehensive institutional industries plan which shall include:

- (a) A history of institutional industries in the state of Washington;
- (b) Status of existing institutional industries programs;
- (c) Status of proposed programs or programs pending operation, to include:
 - (i) Program design and staffing requirements, with particular emphasis on the Washington corrections center and new authorized facilities;
 - (ii) Inmate employment classification and related salaries;
 - (iii) Related training programs for inmates and staff;
 - (iv) Goals and objectives for improving inmate payment of restitution, family support, and cost of confinement;
 - (v) Capital expenditures;
 - (vi) Operational expenditures, including full-time equivalent staff classification; and
 - (vii) Sales promotion plans;
- (d) An extensive survey of goods and services which can be produced for state and local governments; and

(e) Coordination with work release programs established pursuant to chapter 72.65 RCW.

Passed the House May 2, 1979.

Passed the Senate April 19, 1979.

Approved by the Governor May 11, 1979.

Filed in Office of Secretary of State May 11, 1979.

CHAPTER 161

[Substitute House Bill No. 249]

STATE HEALTH PLANNING AND RESOURCES DEVELOPMENT ACT

AN ACT Relating to health care and implementing The National Health Planning and Resources Development Act of 1974, Public Law 93-641; adding new sections to chapter 70.38 RCW; repealing sections 2 through 5, chapter 198, Laws of 1971 ex. sess. and RCW 70.38.010 through 70.38.040; repealing section 6, chapter 198, Laws of 1971 ex. sess., section 158, chapter 34, Laws of 1975-76 2nd ex. sess. and RCW 70.38.050; repealing sections 7 through 22, chapter 198, Laws of 1971 ex. sess. and RCW 70.38.060 through 70.38.210; repealing section 23, chapter 198, Laws of 1971 ex. sess. and RCW 70.38.900; and providing an effective date.

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

NEW SECTION. Section 1. In consideration of the findings made and national health priorities declared by the congress in the National Health Planning and Resources Development Act of 1974, Public Law 93-641, it is declared to be the public policy of this state:

(1) That planning for promoting, maintaining, and assuring a high level of health for all citizens of the state, and for the provision of health services, health manpower, health facilities, and other resources is essential to the health, safety, and welfare of the people of the state. Such planning is necessary on both a state-wide and regional basis and must maintain responsiveness to changing health and social needs and conditions. The marshaling of all health resources to assure the quality and availability of health services to every person must be the goal of such planning, which must likewise assure optimum efficiency, effectiveness, equity, coordination, and economy in development and implementation to reach that goal;

(2) That the development and offering of new institutional health services should be accomplished in a manner which is orderly, timely, economical, and consistent with the effective development of necessary and adequate means of providing quality health care for persons to be served by such facilities without unnecessary duplication or fragmentation of such facilities;

(3) That the development of health resources, including the construction, modernization, and conversion of health facilities, should be accomplished in a planned, orderly fashion, consistent with identified priorities; and

(4) That the development and maintenance of adequate health care information and statistics essential to effective health planning and resources development be accomplished.

NEW SECTION, Sec. 2. When used in this chapter, the terms defined in this section shall have the meanings indicated.

(1) "Annual implementation plan" means a description of objectives which will achieve goals of the health systems plan and specific priorities among the objectives. The annual implementation plan is for a one-year period and must be reviewed and amended as necessary on an annual basis.

(2) "Board of health" means the state board of health created pursuant to chapter 43.20 RCW.

(3) "Capital expenditure" is an expenditure, including a force account expenditure (i.e., an expenditure for a construction project undertaken by a facility as its own contractor) which, under generally accepted accounting principles, is not properly chargeable as an expense of operation or maintenance. Where a person makes an acquisition under lease or comparable arrangement, or through donation, which would have required review if the acquisition had been made by purchase, such expenditure shall be deemed a capital expenditure.

(4) "Council" means the state health coordinating council created in section 5 of this act and described in Public Law 93-641.

(5) "Department" means the state department of social and health services.

(6) "Health care facility" means hospitals, psychiatric hospitals, tuberculosis hospitals, nursing homes, kidney disease treatment centers, ambulatory surgical facilities, and home health agencies, and includes such facilities when owned and operated by the state or by a political subdivision or instrumentality of the state and such other facilities as required by Public Law 93-641 and implementing regulations, but does not include Christian Science sanitoriums operated, listed, or certified by the First Church of Christ Scientist, Boston, Massachusetts.

(7) "Health maintenance organization" means an entity as defined in Public Law 93-641 and, in addition, any organization defined under RCW 48.46.020(1).

(8) "Health services" means clinically related (i.e., preventive, diagnostic, curative, rehabilitative, or palliative) services and includes alcoholism, drug abuse, and mental health services and as defined in Public Law 93-641.

(9) "Health systems agency" means a public regional planning body or a private nonprofit corporation which is organized and operated in a manner that is consistent with the laws of the state of Washington and Public Law 93-641 and which is capable of performing each of the functions described in section 8 of this act and is capable as determined by the secretary of the

United States department of health, education and welfare, upon recommendation of the governor, of performing each of the functions described in the federal law.

(10) "Health systems plan" means a detailed statement of goals and resources required to reach those goals as described in Public Law 93-641. Goals describe a healthful environment and health systems in the health service area which, when developed, will assure that quality health services will be available and accessible in a manner which assures continuity of care, at reasonable cost, for all residents of the area; are responsive to the unique needs and resources of the health service area; and take into account national guidelines for health planning policy and state-wide health needs and priorities. The health systems plan is for a period longer than one year and must be reviewed and amended as necessary on an annual basis.

(11) "Institutional health services" means health services provided in or through health care facilities and health maintenance organizations and includes the entities in or through which such services are provided as defined in Public Law 93-641.

(12) "Long-range health facility plan" means a document prepared by each hospital which contains a description of its plans for substantial changes in its facilities and services for three years.

(13) "Person" means an individual, a trust or estate, a partnership, a corporation (including associations, joint stock companies, and insurance companies), the state, or a political subdivision or instrumentality of the state, including a municipal corporation or a hospital district.

(14) "Provider" generally means a health care professional or an organization, institution, or other entity providing health care but the precise definition for this term shall be in accord with Public Law 93-641.

(15) "State health plan" means a document, described in Public Law 93-641, developed by the department, and approved by the state health coordinating council which recommends priorities for changes in the health system of the state to achieve the desired health status of the citizens of the state and describes the relationship of these priorities to national health priorities and to the priorities of the health systems agencies of the state as set forth in their health systems plans.

(16) "State medical facilities plan" means a public document, described in Public Law 93-641, which sets forth: The number and type of medical facility beds and medical facilities needed to provide adequate inpatient care to people residing in the state and a plan for the distribution of such beds and facilities throughout the state; the number and type of outpatient and other medical facilities needed to provide adequate public health services and outpatient care to people residing in the state; and a plan for the distribution of such facilities throughout the state and the extent to which

existing medical facilities in the state are in need of modernization or conversion, or construction of new facilities is indicated, and the priorities for such modernization, conversion, or construction projects.

NEW SECTION. Sec. 3. The department is designated, as the state health planning and development agency, as the sole and official agency of the state to administer and supervise the administration of the state responsibilities pursuant to The National Health Planning and Resources Development Act of 1974, Public Law 93-641, and rules and regulations promulgated thereunder. The department is designated as the agency of this state to accept, receive, retain, and administer federal funds made pursuant to the provisions of Public Law 93-641. Nothing in this chapter shall be construed to affect the authority of the state hospital commission pursuant to chapter 70.39 RCW.

NEW SECTION. Sec. 4. The department is authorized and empowered to exercise such duties and powers as are prescribed for state health planning and development agencies in Public Law 93-641, including but not limited to the following:

(1) Conduct health planning activities, and implement the state health plan and the plans of the health systems agencies within the state which relate to the government of the state;

(2) Prepare and review and revise as necessary a preliminary state health plan to be submitted to the council for approval or disapproval and for use in developing the state plan;

(3) Assist the council in the review of the state medical facilities plan and in the performance of its functions generally;

(4) Serve as the designated planning agency of the state for the purposes of section 1122 of the Social Security Act, if the department maintains an agreement with the secretary, United States department of health, education and welfare pursuant to section 1122 of Public Law 92-603, and administer a state certificate of need program as provided in sections 10, 11, and 12 of this act;

(5) After consideration of recommendations submitted by the health systems agencies respecting new institutional health services proposed to be offered within the state, make findings as to the need for such services;

(6) Review on a periodic basis, not less than every five years, all institutional health services being offered in the state and, after consideration of recommendations submitted by health systems agencies respecting the appropriateness of such services, make public its findings.

NEW SECTION. Sec. 5. (1) There is established a state health coordinating council.

(2) The council shall be composed of members who shall be appointed by the governor in accordance with the provisions of Public Law 93-641

and shall be considered appointed officials for whom compliance with section 1, chapter 104, Laws of 1975-'76 2nd ex. sess., (Ref. Bill No. 36), RCW 42.17.240, is required.

(3) The council shall, in addition to the appointed members, include as nonvoting, ex officio members the chairpersons of the house and senate committees on social and health services, the secretary of the department, the chairman of the hospital commission, or their designees, and an individual whom the chief medical director of the veterans administration shall have designated as a representative of the veterans administration who shall be a voting member.

(4) The council shall have a chairperson designated in a manner consistent with Public Law 93-641.

(5) The council shall conduct all of its business meetings in public pursuant to the "Open Public Meetings Act of 1971", chapter 42.30 RCW, and shall meet at least once in each calendar quarter of a year. Books and records of the council shall be subject to public disclosure in accordance with RCW 42.17.250 through 42.17.340.

(6) Members of the council shall serve without pay, but shall be entitled to reimbursement for travel expenses incurred as provided in RCW 43.03-.050 and 43.03.060.

(7) The governor shall have the power to stagger the terms of the members so that one-third thereof may be appointed for an original term of one year, one-third for an original term of two years, and one-third for an original term of three years, with all subsequent appointments to be for terms of three years.

NEW SECTION. Sec. 6. The council is authorized and empowered to exercise such duties and powers as are required for state-wide health coordinating councils in P.L. 93-641, including but not limited to the following:

(1) Review annually and coordinate the health systems plan and annual implementation plan of each health systems agency and report to the secretary of health, education and welfare its comments;

(2) Prepare and review and revise as necessary, at least annually, a state health plan which shall be made up of the health systems plans of the health systems agencies and which plan may, as found necessary by the state health coordinating council, contain revisions of such health systems plans to achieve their appropriate coordination or to deal more effectively with state-wide health needs;

(3) Review annually the budget of each health systems agency and report to the secretary of the United States department of health, education and welfare its comments on such budget;

(4) Review applications submitted by the health systems agencies for planning and development grants, and report to the secretary of the United States department of health, education and welfare its comments;

(5) Advise the department generally on the performance of its functions; and

(6) Perform such duties in connection with the state health plan as may be required as a condition to the receipt of federal funds.

NEW SECTION. Sec. 7. The department is authorized and directed to prepare and administer a state medical facilities plan to comply with Public Law 93-641 and is empowered to take such action as might be required in the development and administration of such plan and the performance of state agency functions necessary to ensure that each entity which receives or has received financial assistance under Title XVI or Title VI of the Public Health Service Act complies with the assurances required to be made at the time such financial assistance was received. The state medical facilities plan shall be approved by the state health coordinating council as consistent with the state health plan.

NEW SECTION. Sec. 8. There shall be established in accordance with Public Law 93-641, and implementing regulations, health service areas within the state and health systems agencies organized and established in accordance with such law.

Each health systems agency shall have as its primary responsibility the provision of effective health planning for its health service area and the promotion of the development within the area of health services, manpower, and facilities which meet identified needs, reduce documented inefficiencies, and implement the health plans of the agencies which shall include all classes of health care practitioners. To meet its primary responsibility, a health systems agency shall carry out such functions as are prescribed for health systems agencies in Public Law 93-641, including but not limited to the following functions:

(1) Assemble and analyze data concerning: The status and its determinants of the health of the residents of its health service area; the status of the health care delivery system in the area and the use of that system by the residents of the area; the effect which the area's health care delivery system has on the health of the residents of the area; the number, type, and location of the area's health resources including health services, manpower, and facilities; the patterns of utilization of the area's health resources; and the environmental and occupational exposure factors affecting immediate and long-term health conditions;

(2) Establish, annually review, and amend as necessary a health systems plan;

(3) Establish, annually review, and amend as necessary an annual implementation plan which describes objectives which will achieve the goals of the health systems plan and priorities among the objectives;

(4) Develop and publish specific plans and projects for achieving the objectives of the annual implementation plan;

(5) Review and make recommendations to the department respecting the need for new institutional health services proposed to be offered or developed in the health service area of such health systems agency;

(6) Review on a periodic basis, at least every five years, all institutional health services offered in the health service area of the agency and make recommendations to the department respecting the appropriateness of such services in the area;

(7) Recommend annually to the department projects for the modernization, construction, and conversion of medical facilities in the agency's health service area—which projects will achieve the health systems plan and annual implementation plan of the health systems agency and the priorities among such projects; and

(8) Seek the assistance of individuals and public and private entities in the health service area, to the extent practicable, in implementing the health systems plan and annual implementation plan.

NEW SECTION. Sec. 9. Public accessibility to records shall be accorded by health systems agencies pursuant to Public Law 93-641 and RCW 42.17.250 through 42.17.340. A health systems agency shall be considered a "public agency" for the sole purpose of complying with the "Open Public Meetings Act of 1971", chapter 42.30 RCW.

NEW SECTION. Sec. 10. (1) The department is authorized and directed to implement the certificate of need program in this state pursuant to the provisions of this chapter.

(2) There shall be a state certificate of need program which is consistent with the provisions of Public Law 93-641.

(3) No person shall offer or develop a new institutional health service, or undertake expenditures in preparation for such offering or development, unless a certificate of need authorizing such new institutional health services has been issued.

(4) New institutional health services subject to review under this chapter shall include:

(a) The construction, development, or other establishment of a new health care facility or health maintenance organization;

(b) Any expenditure by or on behalf of a health care facility or health maintenance organization in excess of one hundred and fifty thousand dollars which under generally accepted accounting principles consistently applied is a capital expenditure, excluding expenditures for site acquisition, acquisition of existing acute care health facilities, health maintenance organizations, or expenditures solely for the termination or reduction of beds or of a health service;

(c) A change in bed capacity of a health care facility or health maintenance organization which increases the total number of licensed beds or redistributes beds among facility and service categories of acute care, skilled

nursing, intermediate care, and boarding home care if the bed redistribution is to be effective for a period in excess of six months;

(d) Any new health services which are offered in or through a health care facility or health maintenance organization, and which were not offered on a regular basis by, in, or through such health care facility or health maintenance organization within the twelve-month period prior to the time such services would be offered; and

(e) Any expenditure by or on behalf of a health care facility or health maintenance organization in excess of one hundred and fifty thousand dollars made in preparation for the offering or development of a new institutional service and any arrangement or commitment made for financing the offering or development of the new institutional health service. Expenditures of preparation for the offering of a new institutional health service shall include expenditures for architectural designs, plans, working drawings, and specifications. The department may issue certificates of need permitting predevelopment expenditures only, without authorizing the development or offering of new institutional health services with respect to which such predevelopment expenditures are made.

(5) No person may divide a project in order to avoid review requirements under any of the thresholds specified in this section.

(6) Notwithstanding any other provision of this section, prior to October 1, 1980, new institutional health services of health maintenance organizations shall include only those services which are provided in or through a health care facility owned, operated, or otherwise utilized by the health maintenance organization.

NEW SECTION. Sec. 11. (1) Certificates of need shall be issued, denied, suspended, or revoked by the secretary of the department, or his designee, in accord with the provisions of this chapter and rules and regulations proposed by the department and adopted by the board of health pursuant to this chapter. Rules and regulations shall establish review procedures and criteria for the certificate of need program.

(2) Criteria for the review of certificate of need applications shall include but not be limited to consideration of the following:

(a) The relationship of the health services being reviewed to the applicable health plans;

(b) The relationship of services reviewed to the long-range development plan, if any, of the persons providing or proposing such services;

(c) The need that the population served or to be served by such services has for such services;

(d) The availability of less costly or more effective alternative methods of providing such services;

(e) The immediate and the long-range financial feasibility of the proposal as well as the probable impact of the proposal on the cost of and

charges for providing health services by the persons proposing the new institutional health service, including findings and recommendations of the Washington state hospital commission in the case of applications submitted by hospitals;

(f) The relationship of the services proposed to be provided to the existing health care system of the area in which such services are proposed to be provided;

(g) The availability of resources including health manpower, management personnel, and funds for capital and operating needs for the provision of the services and the availability of alternative uses of such resources for the provision of other health services;

(h) The relationship, including the organizational relationship, of the health services proposed to be provided to ancillary and support services;

(i) Special needs and circumstances of those entities which provide a substantial portion of their services or resources, or both, to individuals not residing in the health service areas in which the entities are located or in adjacent health service areas;

(j) The special needs and circumstances of health maintenance organizations and the enrolled participants for whom the health maintenance organization has a contractual obligation to serve or may reasonably be expected to serve in the future. In order to permit health maintenance organizations to plan on the basis of enrolled participants rather than a geographical service area, health maintenance organization projects shall be evaluated on the basis of cost-effectiveness to the enrolled participants of the health maintenance organization: PROVIDED HOWEVER, That consideration of a new institutional health service proposed by a health maintenance organization shall also address the availability and cost of obtaining the proposed new institutional health services from the existing providers in the area;

(k) The special needs and circumstances of biomedical and behavioral research projects which are designed to meet a national need and for which local conditions offer special advantages;

(l) In the case of a construction project, the costs and methods of the proposed construction, including the cost and methods of energy provision, and the probable impact of the construction project reviewed on the cost of providing health services by the person proposing such construction project; and

(m) The special needs and circumstances of osteopathic hospitals and nonallopathic services.

(3) When a hospital has developed a long-range health facility plan, pursuant to section 14 of this act, and the proposed new institutional health service is consistent with such plan, an expedited review process shall be instituted by the department as it has been done since the enactment of chapter 70.38 RCW in 1971.

(4) The department in making its final decision may issue a conditional certificate of need if it finds that the project is justified only under specific circumstances. The conditions may be released if it can be substantiated that the conditions are no longer valid and the release of such conditions would be consistent with the purposes of this chapter.

(5) Criteria adopted for review in accordance with subsection (2) of this section may vary according to the purpose for which the particular review is being conducted or the type of health service reviewed.

(6) Any applicant denied a certificate of need or whose certificate of need has been suspended or revoked shall be afforded an opportunity for administrative review in accordance with chapter 34.04 RCW and a hearing shall be held within one hundred twenty days of a request therefor.

NEW SECTION. Sec. 12. (1) A certificate of need shall be valid for two years: PROVIDED, That one six-month extension may be made if it can be substantiated that substantial and continuing progress toward commencement of the project has been made as defined by regulations to be adopted pursuant to this chapter.

(2) A project for which a certificate of need has been issued shall be commenced during the validity period for the certificate of need.

(3) The department, in cooperation with the health systems agencies established in the state under the provision of Public Law 93-641, and the hospital commission, in the case of hospital projects, shall monitor the costs and components of approved projects to assure conformance with certificates of need that have been issued. Rules and regulations adopted shall specify when changes in the cost or components of a project require reevaluation of the project. The department may require applicants to submit periodic progress reports on approved projects or other information as may be necessary to effectuate its monitoring responsibilities.

(4) The secretary of the department, in the case of a new health facility, shall not issue any license, and the insurance commissioner, in the case of a new health maintenance organization, shall not issue any certificate of registration, unless and until a prior certificate of need shall have been issued by the department for the offering or development of such new health facility or new health maintenance organization respectively.

(5) Any person who offers or develops a new institutional health service without first being granted a certificate of need by the secretary of the department shall be liable to the state in an amount not to exceed one hundred dollars a day for each day of such unauthorized offering or development. Such amounts of money shall be recoverable in an action brought by the attorney general on behalf of the state in the superior court of any county in which the unauthorized offering or development occurred. Any amounts of money so recovered by the attorney general shall be deposited in the state general fund.

(6) The department may bring any action to enjoin a violation or the threatened violation of the provisions of this chapter or any rules and regulations adopted pursuant to this chapter, or may bring any legal proceeding authorized by law, including but not limited to the special proceedings authorized in Title 7 RCW, in the superior court in the county in which such violation occurs or is about to occur, or in the superior court of Thurston county.

NEW SECTION. Sec. 13. (1) The secretary of the department shall have authority to:

(a) Provide when needed temporary or intermittent services of experts or consultants or organizations thereof, by contract, when such services are to be performed on a part time or fee-for-service basis; and

(b) Make or cause to be made such on-site surveys of health care or medical facilities as may be necessary to the development of the state health plan and state medical facilities plan and the administration of the certificate of need program.

(2) Upon recommendation of the department the board of health shall have authority to:

(a) Promulgate and enforce rules and regulations under which providers doing business with the state shall submit to the department such data related to health and health care as the department finds necessary to the performance of its functions under this chapter;

(b) Promulgate rules and regulations pertaining to the maintenance and operation of medical facilities which receive federal assistance under the provisions of Title XVI;

(c) Promulgate rules and regulations in implementation of the provisions of this chapter, including the establishment of procedures for public hearings for predecisions and post-decisions on applications for certificate of need.

NEW SECTION. Sec. 14. (1) Long-range health facility plans shall be filed with the appropriate health systems agency effective January 1, 1984. In order to ensure a streamlined planning process with the minimum of duplication, a common form for such plan shall be developed by the department, in cooperation with the health systems agencies and the Washington state hospital commission, which shall also be utilized as the three-year capital expenditure plan required by the hospital commission.

(2) The health systems agency shall review all such health facility plans in its area, identify any significant inconsistencies with the health systems plan for that area, and assist hospitals to cooperatively resolve inconsistencies among their plans and the health systems plan.

(3) An expedited certificate of need review shall be conducted by the department when:

(a) Long-range health facility plans have been developed in accordance with the requirements of this section; and

(b) When an application for a certificate of need has been found to be consistent with the applicant's long-range health facility plan and the applicable health systems plan, annual implementation plan, state health plan, and state medical facilities plan; and

(c) When there has not been a significant change, since the long-range health facility plan was approved, in existing health facilities of the same type or in the need for such health facilities and services.

NEW SECTION. Sec. 15. The enactment of this chapter shall not have the effect of terminating, or in any way modifying the validity of any certificate of need which shall already have been issued prior to the effective date of this act.

NEW SECTION. Sec. 16. In any case where the provisions of this chapter may directly conflict with provisions of Public Law 93-641 or any amendments thereto, or regulations promulgated thereunder, the provisions of Public Law 93-641 shall supersede and be paramount.

NEW SECTION. Sec. 17. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 18. Sections 1 through 16 of this act shall be added to chapter 70.38 RCW.

NEW SECTION. Sec. 19. (1) Sections 10, 11, 12, and 21 shall take effect on January 1, 1980.

(2) Any certificate of need application which was submitted and declared complete, but upon which final action had not been taken prior to January 1, 1980, shall be reviewed and action taken based on chapter 70.38 RCW, as in effect prior to the effective date of this 1979 act, and the regulations adopted thereunder.

NEW SECTION. Sec. 20. The following acts or parts of acts are each repealed:

- (1) Section 2, chapter 198, Laws of 1971 ex. sess. and RCW 70.38.010;
- (2) Sections 4 and 5, chapter 198, Laws of 1971 ex. sess. and RCW 70.38.030 and 70.38.040;
- (3) Section 6, chapter 198, Laws of 1971 ex. sess., section 158, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 70.38.050;
- (4) Sections 7 through 11, chapter 198, Laws of 1971 ex. sess. and RCW 70.38.060 through 70.38.100;
- (5) Section 21, chapter 198, Laws of 1971 ex. sess. and RCW 70.38.200; and
- (6) Section 23, chapter 198, Laws of 1971 ex. sess. and RCW 70.38.900.

NEW SECTION. Sec. 21. The following acts or parts of acts are each repealed:

- (1) Section 3, chapter 198, Laws of 1971 ex. sess. and RCW 70.38.020;
- (2) Sections 12 through 20, chapter 198, Laws of 1971 ex. sess. and RCW 70.38.110 through 70.38.190; and
- (3) Section 22, chapter 198, Laws of 1971 ex. sess. and RCW 70.38.210.

NEW SECTION. Sec. 22. This act may be cited as the "State Health Planning and Resources Development Act".

Passed the House April 27, 1979.
 Passed the Senate April 20, 1979.
 Approved by the Governor May 11, 1979.
 Filed in Office of Secretary of State May 11, 1979.

CHAPTER 162

[Substitute House Bill No. 262]

DEATH CERTIFICATE—ATTENDING PHYSICIAN'S OR HEALTH OFFICIAL'S SIGNATURE—FEDERAL STANDARDS

AN ACT Relating to vital statistics; amending section 2, chapter 159, Laws of 1945 as amended by section 13, chapter 5, Laws of 1961 ex. sess. and RCW 70.58.170; and amending section 6, chapter 159, Laws of 1945 as last amended by section 39, chapter 42, Laws of 1975-'76 2nd ex. sess. and RCW 70.58.200.

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

Section 1. Section 2, chapter 159, Laws of 1945 as amended by section 13, chapter 5, Laws of 1961 ex. sess. and RCW 70.58.170 are each amended to read as follows:

The funeral director or person in charge of interment shall file the certificate of death or fetal death. In preparing such certificate, the funeral director or person in charge of interment shall obtain and enter on the certificate such personal data as the certificate requires from the person or persons best qualified to supply them. He shall present the certificate of death to the physician last in attendance upon the deceased, or, if the deceased died without medical attendance, to the health officer, coroner, or prosecuting attorney having jurisdiction, who shall thereupon certify the cause of death according to his best knowledge and belief and shall sign the certificate of death or fetal death within two days after being presented with the certificate unless good cause for not signing the certificate within the two days can be established. He shall present the certificate of fetal death to the physician, midwife, or other person in attendance at the fetal death, who shall certify the fetal death and such medical data pertaining thereto as he can furnish.

Sec. 2. Section 6, chapter 159, Laws of 1945 as last amended by section 39, chapter 42, Laws of 1975-'76 2nd ex. sess. and RCW 70.58.200 are each amended to read as follows:

The forms of birth, death, fetal death, marriage, and decrees of divorce, annulment, or separate maintenance certificates filed with the state registrar of vital statistics shall include the items required by the respective standard certificate as recommended by the federal agency responsible for national vital statistics (~~(which became effective on January 1, 1968)~~), except that no information shall be required on the certificate of divorce relative to the date the couple separated or the number of children under eighteen years of age: PROVIDED, That none of the information contained in the confidential section of the forms of marriage, divorce, annulment or separate maintenance shall be required: PROVIDED FURTHER, That no information shall be required on the certificate of live birth relative to the education of the parents of the child. The Washington state board of health by regulation may require additional pertinent information relative to the birth and manner of delivery as it may deem necessary for statistical study. This information shall be placed in a confidential section of the birth certificate form and shall not be subject to the view of the public or for certification purposes except upon order of a court: PROVIDED, That the state board of health may eliminate from the forms any such items that it determines are not necessary for statistical study.

Passed the House April 23, 1979.

Passed the Senate April 28, 1979.

Approved by the Governor May 11, 1979.

Filed in Office of Secretary of State May 11, 1979.

CHAPTER 163

[Substitute House Bill No. 298]

MOTOR VEHICLE EMISSION CONTROL

AN ACT Relating to motor vehicle emission control; adding new sections to chapter 46.16 RCW; adding a new chapter to Title 70 RCW; prescribing penalties; providing an effective date; and providing an expiration date.

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

NEW SECTION. Section 1. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

- (1) "Department" means the department of ecology.
- (2) "Director" means the director of the department of ecology.
- (3) "Fleet" means a group of twenty-five or more motor vehicles owned or leased concurrently by one person.
- (4) "Motor vehicle" means any self-propelled vehicle required to be licensed pursuant to chapter 46.16 RCW.

(5) "Motor vehicle dealer" means a motor vehicle dealer, as defined in RCW 46.70.011, that is licensed pursuant to chapter 46.70 RCW.

(6) "Person" means an individual, firm, public or private corporation, association, partnership, political subdivision of the state, municipality, or governmental agency.

(7) The terms "air contaminant," "air pollution," "air quality standard," "ambient air," "emission," and "emission standard" have the meanings given them in RCW 70.94.030.

NEW SECTION. Sec. 2. (1) The department shall conduct the following programs in a manner that will enhance the successful implementation of the air pollution control system established for motor vehicles by this chapter:

(a) A voluntary motor vehicle emissions inspection program;

(b) A public educational program regarding the health effects of air pollution emitted by motor vehicles; the purpose, operation, and effect of emission control devices and systems; and the effect that proper maintenance of motor vehicle engines has on fuel economy and air pollution emission; and

(c) A public notification program identifying the geographic areas of the state that are designated as being noncompliance areas and emission contributing areas and describing the requirements imposed under this chapter for those areas.

(2) (a) The department, the superintendent of public instruction, and the state board for community college education shall develop cooperatively, after consultation with automotive trades joint apprenticeship committees approved in accordance with RCW 49.04.040, a program for granting certificates of instruction to persons who successfully complete a course of study, under general requirements established by the director, in the maintenance of motor vehicle engines, the use of engine and exhaust analysis equipment, and the repair and maintenance of emission control devices.

(b) The department shall make available to the public a list of those persons who have received certificates of instruction under subsection (2)(a) of this section.

NEW SECTION. Sec. 3. (1) The director shall adopt motor vehicle emission standards. The standards adopted shall ensure that no less than seventy percent of the vehicles tested annually comply with the standards on the first inspection conducted for the vehicles under this chapter each year. The standards shall be adopted as rules in accordance with chapter 34.04 RCW.

(2) The director shall adopt rules for conducting emission tests for motor vehicles.

(3) The director shall adopt air quality standards for air contaminants from the emissions of motor vehicles. The standards shall be adopted as

rules and may not be more stringent than those established for the contaminants by the United States environmental protection agency as in effect on the effective date of this act to implement the federal clean air act.

(4) The director shall adopt, by rule, criteria for calibrating emission testing equipment, including, but not limited to, those identifying standard calibration gas mixtures.

(5) The director shall require that the electronic equipment utilized to test emissions at any station established pursuant to section 4(5) of this act or authorized pursuant to section 8 or 9 of this act be properly calibrated.

The department shall examine frequently the calibration of the emission testing equipment used at such stations.

NEW SECTION. Sec. 4. (1) The director shall designate a geographic area as being a "noncompliance area" for motor vehicle emissions if:

(a) Prior to December 31, 1982, analysis of the data recorded at the monitoring sites indicates that an air quality standard established pursuant to this chapter will probably be exceeded after December 31, 1982; or

(b) On or after December 31, 1982, the department's analysis of the data recorded at the monitoring sites indicates that such a standard will probably be exceeded, and if the department determines that the primary source of the contaminant being monitored at the sites is motor vehicle emissions: PROVIDED, That the department's analysis may not be based upon data recorded at an air monitoring site for less than one year.

(2) The department shall analyze information regarding the motor vehicle traffic in a noncompliance area to determine the smallest land area, which shall include the noncompliance area, within whose boundaries are registered motor vehicles that contribute significantly to the violation of motor vehicle related air quality standards in the noncompliance area. The director shall declare such an area to be an emission contributing area.

(3) In establishing the external boundaries of an emission contributing area, the director shall utilize the boundaries established for zip code service areas by the United States postal service.

The director shall designate areas as being noncompliance areas or emission contributing areas, and shall establish the boundaries of such areas, by rule. Notwithstanding the provisions of chapter 34.04 RCW, a rule which would designate such an area or establish or modify the boundary of such an area may not be adopted until it has been submitted to the standing committees on ecology of the house of representatives and the senate for review and approval: PROVIDED, That the standing committees shall take into account alternative plans for traffic re-routing and traffic bans that may have been prepared by local municipal corporations for the purpose of satisfying federal emission guidelines.

(4) The department shall administer an emission inspection system for all motor vehicles registered within the boundaries of each such emission contributing area.

(5) The director shall authorize, by contract, one or more individuals, firms, private corporations, associations or partnerships to establish and operate inspection stations for conducting the vehicle emission tests authorized by this chapter: **PROVIDED**, That no person engaged in the inspection of motor vehicles pursuant to subsection (5) of this section shall perform for compensation repairs on any vehicles. No public body may establish or operate such contracted inspection stations. Any such contract shall be let in accordance with the procedures established for competitive bids in chapter 43.19 RCW.

(6) The provisions of subsection (5) of this section apply to inspections conducted pursuant to this section. Those provisions also apply to inspections conducted pursuant to section 2(1)(a) of this act except when the inspections are conducted for the following purposes:

- (a) Auditing;
- (b) Contractor evaluation;
- (c) Collection of data for establishing calibration and performance standards;
- (d) Public information and education; and
- (e) Providing a voluntary inspection program if sufficient contractors may not be obtained for the program at a reasonable cost by January 1, 1981.

(7) The fee to be charged for emission inspections conducted pursuant to this section shall be established by the director by rule. The inspection fee shall be a standard fee applicable state-wide and shall be no greater than ten dollars.

NEW SECTION. Sec. 5. (1) The director shall review annually the air quality and forecasted air quality of each area in the state designated as a "noncompliance area" for motor vehicle emissions.

(2) If the director determines that:

(a) The air quality standards for contaminants derived from motor vehicle emissions are no longer being violated in the "noncompliance area"; and

(b) Those standards would not be violated in the "noncompliance area" if the emission inspection system established in the emission contributing area for the "noncompliance area" in accordance with section 4(4) of this act were discontinued and the requirements of section 11 of this act no longer applied to the area, the area shall no longer be designated as a "noncompliance area" for motor vehicle emissions.

NEW SECTION. Sec. 6. Any person whose motor vehicle is inspected at an inspection station authorized by the director pursuant to section 4(5) of this act shall receive the results of the inspection test. If the inspected vehicle's emissions comply with the standards established by the director,

the person shall receive a dated certificate of compliance and shall pay an inspection fee at the time of inspection.

NEW SECTION. Sec. 7. Any person:

(1) Whose motor vehicle is tested pursuant to section 6 of this act and fails to comply with the emission standards established for the vehicle;

(2) Who, following such a test, expends more than fifty dollars for repairs and/or parts solely devoted to meeting the emission standards; and

(3) Whose vehicle is inspected again but again fails, may be issued a certificate of acceptance by the department. To receive the certificate, the person must document the expenditure and the purpose of the expenditure to the satisfaction of the department and must pay the inspection fee established under section 4(7) of this act.

NEW SECTION. Sec. 8. The director may authorize an owner or lessee of a fleet of motor vehicles, or the owner's or lessee's agent, to inspect the vehicles in the fleet and issue certificates of compliance for the vehicles in the fleet if the director determines that: (1) The director's emission and inspection standards will be complied with; and (2) certificates will be issued only to vehicles in the fleet and only when appropriate.

NEW SECTION. Sec. 9. The director may authorize a motor vehicle dealer, selling used motor vehicles, to inspect the vehicles owned and being offered for sale by that dealer and issue certificates of compliance for the vehicles if the director determines that: The director's emission and inspection standards will be complied with; and certificates will be issued only when appropriate.

NEW SECTION. Sec. 10. The department shall investigate complaints received regarding the operation of emission testing stations and shall require corrections or modifications in those operations when deemed necessary.

The department shall also review complaints received regarding the maintenance or repairs secured by owners of motor vehicles for the purpose of complying with the requirements of this chapter. When possible, the department shall assist such owners in determining the merits of the complaints.

NEW SECTION. Sec. 11. There is added to chapter 46.16 RCW a new section to read as follows:

(1) Neither the department of licensing nor its agents may issue or renew a motor vehicle license for any vehicle registered in an emission contributing area, as that area is established under section 4 of this act, unless the application for issuance or renewal is: (a) Accompanied by a valid certificate of compliance issued pursuant to section 6, 8, or 9 of this act or a valid certificate of acceptance issued pursuant to section 7 of this act; or (b) exempted from this requirement pursuant to subsection (2) of this section.

The certificates must have a date of validation which is within ninety days of the date of application for the vehicle license or license renewal.

(2) Subsection (1) of this section does not apply to license applications for:

(a) New motor vehicles whose equitable or legal title has never been transferred to a person who in good faith purchases the vehicle for purposes other than resale;

(b) Motor vehicles fifteen years old or older;

(c) Motor vehicles that use propulsion units powered exclusively by electricity;

(d) Motorcycles as defined in RCW 46.04.330 and motor-driven cycles as defined in RCW 46.04.332;

(e) Motor vehicles powered by diesel engines;

(f) Farm vehicles as defined in RCW 46.04.181; or

(g) Motor vehicles exempted by the director of the department of ecology.

The provisions of subparagraph (a) of this subsection may not be construed as exempting from the provisions of subsection (1) of this section applications for the renewal of licenses for motor vehicles that are or have been leased.

(3) The department of licensing shall mail to each owner of a vehicle registered within an emission contributing area a notice regarding the boundaries of the area and restrictions established under this section that apply to vehicles registered in such areas. The information for the notice shall be supplied to the department of licensing by the department of ecology. Such a notice shall be mailed to the owner ninety days prior to the expiration date of the owner's motor vehicle license.

NEW SECTION. Sec. 12. Certificates of compliance and acceptance constitute official forms. False statements made thereon or made to secure such certificates are punishable pursuant to RCW 9A.72.040 and the certificates shall bear notice to that effect.

Certificates of compliance and certificates of acceptance may be issued only in the manner authorized by sections 6, 7, 8, and 9 of this act.

NEW SECTION. Sec. 13. The director of the department of ecology shall adopt rules implementing and enforcing sections 1 through 10, section 11 (2)(g) and section 12 of this act in accordance with chapter 34.04 RCW. Notwithstanding the provisions of chapter 34.04 RCW, any rule implementing and enforcing section 1 through 10, section 11 (2)(g), and section 12 of this act may not be adopted until it has been submitted to the standing committees on ecology of the house of representatives and senate for review and approval.

NEW SECTION. Sec. 14. The authority granted by this chapter to the director and the department for controlling vehicle emissions is supplementary to the department's authority to control air pollution pursuant to chapter 70.94 RCW.

NEW SECTION. Sec. 15. There is added to chapter 46.16 RCW a new section to read as follows:

The director of the department of licensing shall adopt rules implementing and enforcing section 11, except for section 11 (2)(g), of this act in accordance with chapter 34.04 RCW.

NEW SECTION. Sec. 16. Section 11 of this act shall take effect on January 1, 1982. The director of the department of licensing and the director of the department of ecology are authorized to take immediately such steps as are necessary to ensure that section 11 of this act is implemented on its effective date.

NEW SECTION. Sec. 17. This act as it now exists or is hereafter amended shall expire on January 1, 1990, unless extended by law for an additional fixed period of time.

NEW SECTION. Sec. 18. Sections 1 through 10 and sections 12 through 14 of this act shall constitute a new chapter in Title 70 RCW.

NEW SECTION. Sec. 19. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the House April 27, 1979.

Passed the Senate April 11, 1979.

Approved by the Governor May 11, 1979.

Filed in Office of Secretary of State May 11, 1979.

CHAPTER 164

[Substitute House Bill No. 311]

CRIMINAL JUSTICE TRAINING COSTS—ASSESSMENTS ON MONETARY PENALTIES

AN ACT Relating to bail forfeitures and monetary penalties for motor vehicle offenses; amending section 3, chapter 212, Laws of 1977 ex. sess. and RCW 43.101.210; and providing an effective date.

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

Section 1. Section 3, chapter 212, Laws of 1977 ex. sess. and RCW 43.101.210 are each amended to read as follows:

(1) Costs of criminal justice training shall be borne in part by those who necessitate the establishment and maintenance of the criminal justice system.

(2) In each instance of bail forfeiture or monetary penalty paid in lieu of a court appearance attendant to any violation of a law of this state or an ordinance of a city or county except an ordinance relating to vehicles unlawfully left or parked, an assessment which shall be in addition to such bail forfeited or penalty paid shall be collected and forwarded within thirty days of receipt of such assessment by the clerk of the court, or the county treasurer, to the state treasurer to be deposited in an account within the state general fund to be known as the criminal justice training account, hereby created, funds from which shall be appropriated by law to the Washington state criminal justice training commission as established by chapter 43.101 RCW. The amount of the assessment shall be as follows:

(a) When forfeiture or penalty is ten dollars to nineteen dollars and ninety-nine cents, three dollars;

(b) When forfeiture or penalty is twenty dollars to thirty-nine dollars and ninety-nine cents, five dollars;

(c) When forfeiture or penalty is forty dollars to fifty-nine dollars and ninety-nine cents, seven dollars;

(d) When forfeiture or penalty is sixty dollars to ninety-nine dollars and ninety-nine cents, twelve dollars; and

(e) When forfeiture or penalty is one hundred dollars or more, fifteen dollars.

(3) When any deposit of bail is made for a violation to which this section applies, the person making such deposit shall also deposit a sufficient amount to include the assessment prescribed in subsection (2) of this section.

(4) When bail is forfeited or a penalty paid, the assessment prescribed in this section shall be forwarded to the state treasurer pursuant to this section. If bail is returned, the assessment made thereon shall also be returned.

NEW SECTION. Sec. 2. This 1979 act shall take effect on July 1, 1980.

Passed the House May 2, 1979.

Passed the Senate April 30, 1979.

Approved by the Governor May 11, 1979.

Filed in Office of Secretary of State May 11, 1979.

CHAPTER 165

[Substitute House Bill No. 352]

PARENT/CHILD RELATIONSHIP—TERMINATION—ADOPTION PROCEEDINGS

AN ACT Relating to domestic relations; amending section 9, chapter 291, Laws of 1977 ex. sess. and RCW 13.04.093; amending section 3, chapter 291, Laws of 1955 as last amended by section 26, chapter 42, Laws of 1975-'76 2nd ex. sess. and RCW 26.32.030; amending section 6, chapter 291, Laws of 1955 and RCW 26.32.060; amending section 3, chapter 172, Laws of 1971 ex. sess. and RCW 26.32.210; amending section 1, chapter 49,

Laws of 1903 as last amended by section 34, chapter 42, Laws of 1975-'76 2nd ex. sess. and RCW 26.37.010; amending section 12, chapter 291, Laws of 1955 and RCW 26.32-.120; amending section 1, chapter 82, Laws of 1970 ex. sess. as amended by section 21, chapter 80, Laws of 1977 ex. sess. and RCW 26.36.050; amending section 80, chapter ... (SSB 2768), Laws of 1979 and RCW 74.13.__; amending section 17, chapter 172, Laws of 1967 as last amended by section 77, chapter 155, Laws of 1979 and RCW 74.13.031; adding new sections to chapter 26.32 RCW; repealing section 8, chapter 134, Laws of 1973, section 35, chapter 42, Laws of 1975-'76 2nd ex. sess. and RCW 26.37.015; repealing section 4, chapter 291, Laws of 1955, section 3, chapter 134, Laws of 1973, section 27, chapter 42, Laws of 1975-'76 2nd ex. sess. and RCW 26.32.040; repealing section 5, chapter 291, Laws of 1955, section 4, chapter 134, Laws of 1973, section 28, chapter 42, Laws of 1975-'76 2nd ex. sess. and RCW 26.32.050; repealing section 7, chapter 291, Laws of 1955, section 29, chapter 42, Laws of 1975-'76 2nd ex. sess. and RCW 26.32-.070; repealing section 8, chapter 291, Laws of 1955, section 5, chapter 134, Laws of 1973, section 30, chapter 42, Laws of 1975-'76 2nd ex. sess. and RCW 26.32.080; repealing section 6, chapter 134, Laws of 1973, section 31, chapter 42, Laws of 1975-'76 2nd ex. sess. and RCW 26.32.085; repealing section 13, chapter 291, Laws of 1955 and RCW 26.32.130; and declaring an emergency.

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

NEW SECTION. Section 1. Unless the context clearly requires otherwise, the definitions in this section shall apply throughout this chapter.

(1) "Alleged father" means a person who is alleged or thought to be the natural father of a child and:

- (a) Has never married the mother; or
- (b) Whose marriage to the mother was terminated by a decree of dissolution entered more than three hundred days prior to the birth; or
- (c) Was separated from the mother and a decree of separation was entered by a court more than three hundred days prior to the birth.

(2) "Court" means the superior court and any of its divisions.

(3) "Minor" means a person under the age of eighteen years.

(4) "Parent" means the natural or adoptive mother or father or legal father of a child, regardless of the marital status of the parent.

(5) "Guardian of the person" means a person, other than the parent of the child, or an agency appointed by a court having jurisdiction over the child, to promote the general welfare of the child, with the duty and authority to make decisions permanently affecting the child's health and development.

(6) "Guardian ad litem" means a person, appointed by a court having jurisdiction, to represent the child, the child's minor or incompetent parent, or the alleged father of the child in a judicial proceeding brought to terminate the parent and child relationship.

NEW SECTION. Sec. 2. (1) If a parent either directly or through an approved agency voluntarily petitions for the termination of the parent and child relationship with respect to a child, the court may order termination, subject to the provisions of this chapter. Any written consent of the parent previously given to an agency shall be personally acknowledged before the court if the court in its discretion determines that such acknowledgement is

reasonably necessary. The consent may be withdrawn at any time before the decree of termination is issued.

(2) If a petition seeking involuntary termination of a parent and child relationship has been filed, and the parent fails to respond after notification pursuant to sections 5, 8, and 10 of this act, the failure to respond constitutes consent to termination on the part of the parent involved.

(3) If a petition seeking involuntary termination of a parent and child relationship has been filed and the parent, against whom termination is sought, timely appears and contests the termination, the petition shall be treated as a petition for dependency and proceedings shall be held pursuant to RCW 13.34.180, except in the following cases:

(a) A petition contested by an alleged father, which shall be decided pursuant to section 12(1) of this act; and

(b) A petition filed by a parent and joined by the petitioner's spouse seeking termination with respect to the other parent, and contested by such other parent, which shall be decided pursuant to section 12 of this act.

NEW SECTION. Sec. 3. (1) A parent, either directly or through an approved agency, may file a petition seeking voluntary termination of the parent and child relationship.

(2) A petition seeking involuntary termination of the parent and child relationship may be filed by:

(a) The department of social and health services or a child-placing agency as defined in RCW 74.15.020;

(b) Either parent seeking termination with respect to the other parent; or

(c) A guardian, legal custodian, or guardian ad litem of the child.

NEW SECTION. Sec. 4. (1) A petition for termination of the parent and child relationship shall be entitled, "In the Interest of, a person under the age of eighteen," and shall set forth with specificity:

(a) The name, sex, date and place of birth, and residence, if any, of the child;

(b) The name and residence of the petitioner and the petitioner's relationship to the child;

(c) The names, dates of birth, and addresses of the child's parents;

(d) Whether either of the child's parents is a minor;

(e) The names and addresses of any:

(i) Guardian of the person of the child;

(ii) Custodian of the child; and

(iii) Guardian ad litem of the child; and

(f) The specific facts which form the basis for the petition and the basis of the court's jurisdiction.

(2) If the information required under subsection (1) (b) and (f) of this section is not stated, the petition shall be dismissed; if any other facts required under this section are not known or cannot be ascertained by the petitioner, the petition shall so state.

(3) A copy of any voluntary relinquishment or consent to adoption previously executed by a parent shall accompany the petition.

NEW SECTION. Sec. 5. An action to terminate the parent and child relationship of an alleged father may also be commenced under this chapter as follows:

(1) In order to provide due notice at the earliest possible time to the alleged father who may have an interest in the custody of an expected child or in the mother's intended release of custody and consent to adoption, and in order to facilitate early placement of a child for adoption, a pregnant woman may file, without fee, in the court a verified petition for voluntary termination of her parental rights which evidences her intent to release the expected child for adoption. The petition shall indicate the approximate date and location of conception and the expected date of birth. It shall further allege that a particular person is the father of her expected child and shall request the court to notify the alleged father of his right to file a claim of paternity under chapter 26.26 RCW. The petition may allege that one of two or more men is the father, where circumstances warrant. On the filing of the petition, the court shall issue a notice of the petition and intent to release custody or consent to adoption, which notice shall be served upon the alleged father by any officer or person authorized to serve process of the court. Proof of personal service shall be filed with the court, or if personal service cannot be made, proof of service by publication under section 8(4) of this act shall be filed with the court.

(2) A notice of the petition and intent to release custody and consent to adoption shall:

(a) Indicate the approximate date and location of conception of the child and the expected date of birth;

(b) Inform the alleged father of his right under chapter 26.26 RCW to file a claim of paternity before the birth of the child, or to file a notice of intent to claim paternity directly as a responsive pleading in the cause of action commenced by the mother's petition under this section;

(c) Inform the alleged father of the rights to which his filing of a claim of paternity will entitle him under chapter 26.26 RCW; and

(d) Inform the alleged father, where the petition and notice under subsection (1) of this section is filed and served more than thirty days prior to birth, that his failure to file a claim of paternity before the expected date of birth of the child shall constitute a waiver of his right to receive the notice to which he would otherwise be entitled under section 8 of this act and shall result in termination of his rights and responsibilities with regard to the child.

(3) Proof of service of the petition and notice of intent to release custody and consent to adoption, or the alleged father's verified acknowledgement of his intent to release custody and consent to adoption, shall be filed with the court if the notice was given to the alleged father.

Sec. 6. Section 9, chapter 291, Laws of 1977 ex. sess. and RCW 13.04-.093 are each amended to read as follows:

~~It shall be the duty of the prosecuting attorney ((or the prosecuting attorney's deputy to present the evidence supporting any petition where the facts are contested, except in petitions to approve or disapprove alternative residential placement: PROVIDED, That it shall be the duty of the attorney general or the attorney general's assistant to present the evidence supporting any petition alleging dependency, or any petition seeking the termination of a parent and child relationship, which is filed in a class A or AA county, where the facts are contested: PROVIDED FURTHER, That the responsibility of the prosecuting attorney for proceedings relating to the commission of a juvenile offense shall be as provided in RCW 13.40.070 and 13.40.090))~~ to act in proceedings relating to the commission of a juvenile offense as provided in RCW 13.40.070 and 13.40.090 and in proceedings under RCW 72.23.070. It shall be the duty of the prosecuting attorney to handle delinquency cases under Title [chapter] 13.24 RCW and it shall be the duty of the attorney general to handle dependency cases under Title [chapter] 13.24 RCW. It shall be the duty of the attorney general in contested cases brought by the department to present the evidence supporting any petition alleging dependency or seeking the termination of a parent and child relationship or any contested case filed under section 3 (2) of this act or approving or disapproving alternative residential placement: PROVIDED, That in class 1 through 9 counties the attorney general may contract with the prosecuting attorney of the county to perform said duties of the attorney general.

NEW SECTION. Sec. 7. If the termination proceeding is contested pursuant to section 12 of this act, the court shall appoint a guardian ad litem to represent the child. In all other termination proceedings, the court may, in its discretion, appoint a guardian ad litem to represent the child. In termination proceedings in which either parent is a minor, the court shall appoint an unrelated and independent guardian ad litem for the minor parent.

NEW SECTION. Sec. 8. (1) Within thirty days after the filing of any petition under this chapter, the court shall set a time and place for a hearing and shall cause notice of the hearing to be given to the petitioner, the parents of the child, any father whose paternity of a child born out of wedlock has been established in a judicial proceeding to which he was a party before the filing of a termination petition, any guardian of the person of the child, any person having legal custody of the child, and any guardian ad

litem of any party. The hearing shall not be held until after the birth of the child.

(2) Notice of hearing shall also be served upon any alleged father unless notice is waived under section 5 of this act.

(3) Notice of the hearing and a copy of the petition, verified by the petitioner, the petitioner's agent or attorney, or the court clerk, shall be served on the persons named in this section at least five days before the hearing.

(4) If personal service on the parent or any alleged father, either within or without this state, cannot be effected, notice shall be given (a) by registered mail, mailed at least twenty days before the hearing to the person's last known address; and (b) by publication at least twenty days before the hearing. Publication shall be in a newspaper of general circulation likely to give notice in the city or town of the last known address of the parent, whether within or without this state, or, if no address is known or this publication is not feasible, in the city or town where the termination petition has been filed.

(5) Notice and appearance may be waived by a parent or an alleged father before the court or in a writing attested to by two or more credible witnesses who are at least eighteen years of age and subscribe their names thereto in the presence of the person executing the waiver. The waiver shall be acknowledged before a notary public and shall contain the current address of the parent or alleged father. The face of the waiver shall contain language explaining the meaning and consequences of the waiver and the meaning and consequences of termination of the parent and child relationship. A parent who has executed a waiver shall not be required to appear.

(6) If a person entitled to notice is known to the petitioner to be unable to read or understand English, all notices, if practicable, shall be given in that person's native language or through an interpreter.

NEW SECTION. Sec. 9. All petitions under this chapter shall be heard by the court without a jury. Proceedings of hearings shall be recorded. The general public shall be excluded and only those persons shall be admitted whose presence is requested by any person entitled to notice under this chapter or whom the judge finds to have a direct interest in the case or in the work of the court. Persons so admitted shall not disclose any information obtained at the hearing which would identify the individual child or parent involved. The court may require the presence of witnesses deemed necessary to the disposition of the petition, including persons making any report, study, or examination which is before the court if those persons are reasonably available, but a parent who has executed a waiver under section 8(5) of this act need not appear at the hearing. If the court finds that it is in the child's best interest, the child may be excluded from the hearing.

NEW SECTION. Sec. 10. If the natural father's identity is unknown to the petitioner, at the hearing pursuant to a petition the court shall inquire concerning the identity of the father, but may not compel disclosure by the

mother. If, after inquiry, the identity of the natural father remains unknown, the court shall order notice to be given by publication under section 8(4) of this act if this notice has not previously been given. The notice shall include the mother's name and the date and place of birth of the child. If notice under section 8(4) of this act has not been given before the hearing, the hearing shall be continued for at least thirty but no more than forty-five days.

NEW SECTION. Sec. 11. If the alleged father was served with a notice of the petition and intent to release or consent under section 5 of this act at least thirty days before the expected date of birth specified in the notice, and if the alleged father failed to file an intent to claim paternity under section 5 of this act before the expected date of birth of the child, the court shall permanently terminate the alleged father's paternal rights and responsibilities with regard to the child.

NEW SECTION. Sec. 12. If the alleged father appears and contests the termination of his parental rights and responsibilities by filing a claim under chapter 26.26 RCW, the court shall take the following action:

(1) If the alleged father has failed, without good cause for the failure, to establish any relationship with the child, and did not provide any support or care for the mother during pregnancy or for either the mother or child after the child's birth, until notice of hearing was served upon him, the court shall terminate his rights to the child.

(2) If the alleged father has, before notice of the hearing was served upon him, established any relationship with the child, or has provided any support or care for the mother during pregnancy, or for either the mother or child after the child's birth, the rights of the alleged father shall not be terminated except as otherwise provided by this chapter.

(3) The court shall inform the alleged father of the right to representation by legal counsel at all stages of the termination proceeding. The court shall appoint counsel to represent any indigent party requesting counsel. A waiver of counsel is not effective unless the court has first explained to the party the nature and meaning of the petition seeking termination of the parent and child relationship.

NEW SECTION. Sec. 13. In the case of a petition filed by a parent and joined by the petitioner's spouse seeking termination with respect to the other parent, and such other parent appears and contests the termination, the court shall determine whether such parent has deserted or abandoned the child under circumstances showing a wilful substantial lack of regard for parental obligations. If the court makes such a finding, it shall terminate his rights to the child.

NEW SECTION. Sec. 14. (1) An order terminating the parent and child relationship divests the parent and the child of all legal rights, powers,

privileges, immunities, duties, and obligations with respect to each other, except the right of the child to inherit from the parent.

(2) The parent and child relationship may be terminated with respect to one parent without affecting the legal relationship between the child and the other parent.

(3) The parent whose relationship with the child has been terminated is not thereafter entitled to notice of proceedings for the adoption of the child by another, nor has the parent any right to contest the adoption or otherwise to participate in the proceedings unless an appeal from the termination order is pending or otherwise ordered by the court.

(4) No order or decree entered under this chapter shall disentitle a child to any benefit due the child from any third person, agency, state, or the United States; nor shall any action under this chapter affect any rights and benefits that a native American child derives from the child's descent from a member of an Indian tribe or band.

Sec. 15. Section 3, chapter 291, Laws of 1955 as last amended by section 26, chapter 42, Laws of 1975-'76 2nd ex. sess. and RCW 26.32.030 are each amended to read as follows:

Written consent to ~~((such))~~ adoption must be filed ~~((prior to a hearing on))~~ with the petition for adoption, as follows:

(1) By the person to be adopted, if such person is fourteen years of age or older, but the filing of such consent shall not obviate the necessity of securing any other consent herein required;

~~(2) ((If the person to be adopted is a minor, then by each of his living parents, except as provided in RCW 26.32.040 and 26.32.050 as now or hereafter amended;~~

~~(3))~~ If a legal guardian has been appointed for the person of the child, then by such guardian; and

~~((4))~~ (3) If the person to be adopted is a minor and has been permanently committed upon due notice to his parents by any court of general jurisdiction to an approved agency, then by such approved agency ~~((, in which event neither notice to nor consent by its parents in the adoption proceeding shall be necessary. PROVIDED, That if the approved agency refuses to consent to the adoption, the court, in its discretion, may order that such consent be dispensed with))~~.

Sec. 16. Section 6, chapter 291, Laws of 1955 and RCW 26.32.060 are each amended to read as follows:

An adoption proceeding shall be instituted by filing a petition in the superior court of the proper county. Such petition may be filed under the same cause number as the termination proceeding regarding the child, where a filing fee has been paid. The petition shall contain allegations as to all requisite facts, including the new name, if any, to be given the child, the qualifications, religion and race of the adopter, and the race and tribal affiliation, if any, of the child, the religion of the child, if any, and if the

child's religion is unknown, then the petition shall state unknown, and shall be signed and verified under oath by the proposed adopter. If the petition is by one spouse to adopt a child of the other spouse, it shall be approved under oath by such other spouse. Where an agency under RCW 13.34.210, 26.32.010, or 26.32.200 is entitled to custody of the child, the petition must be accompanied by the consent of the agency unless the consent is waived by the court. In the case of an adoption petition not involving an agency, no other adoption petition may be filed until a final determination is made on the original petition unless additional filings are permitted by the court upon a showing of good cause.

Sec. 17. Section 3, chapter 172, Laws of 1971 ex. sess. and RCW 26.32.210 are each amended to read as follows:

(1) No petition for the adoption of a minor shall be granted unless a preplacement report and petitioner's sworn statement that he has caused to be filed all reports known to him on preplacement studies made of petitioner are on file with the court except as provided in RCW 26.32.270(2).

(2) ~~((No order of relinquishment as to a minor whom petitioner seeks to adopt shall be granted unless:~~

~~(a) A preplacement report and petitioner's sworn statement that he has caused to be filed all reports known to him on preplacement studies made of petitioner are on file with the court prior to the hearing on the order of relinquishment; or~~

~~(b) The order of relinquishment provides that the minor is to be relinquished to the custody of an agency.))~~ The child shall not be relocated into the home of the prospective adoptive parents before the completion of the preplacement report under RCW 26.32.230.

Sec. 18. Section 1, chapter 49, Laws of 1903 as last amended by section 34, chapter 42, Laws of 1975-'76 2nd ex. sess. and RCW 26.37.010 are each amended to read as follows:

Any benevolent or charitable society incorporated and licensed under the laws of this state for the purpose of receiving, caring for or placing out for adoption, or improving the condition of orphan, homeless, neglected or abused minor children of this state shall have authority to receive, control, and dispose of children under eighteen years of age ~~((under the following provisions:~~

~~(1) When the father and mother or the person or persons legally entitled to act as guardian of the person of any minor child shall, in writing, surrender such child to the charge and custody of said society, such child shall thereafter be in legal custody of such society for the purposes herein provided:~~

~~(2) In case of death or legal incapacity of a father or his abandonment or neglect to provide for his family, the mother shall have authority to make such surrender, and in case of the death or legal incapacity of a mother, or~~

her abandonment of such child, then the father shall have authority to make such surrender:

(3) In all cases where the person or persons legally authorized to make such surrender are not known, any judge of superior court may cause a notice of hearing to be published in any newspaper of general circulation printed and published in the county, and if he deems it best for such orphan, homeless, neglected or abused child, he may surrender it to any benevolent or charitable society incorporated under the laws of Washington and having for its object the care of such children:

(4) In cases where the child to be surrendered has not been acknowledged by either parent and action has not been taken to establish such relationship in accordance with RCW 26.26.020 through 26.26.190, and is surrendered in writing by either parent, but not both parents, then the court shall hold a hearing on the surrender in the manner provided under RCW 26.37.015, and if the parent who has not agreed to the surrender in writing does not contest the surrender at such hearing, then such parent shall be deemed to have surrendered the child and the court shall authorize the surrender. This subsection shall not apply to or bar surrenders authorized under subsection (2) of this section:

(5) When any child shall have been surrendered in accordance with any of the preceding clauses and such child shall have been accepted by such society, then, (but not otherwise), the rights of its natural parents or of the guardian of its person (if any) shall cease and such corporation shall become entitled to the custody of such child, and shall have authority to care for and educate such child or place it either temporarily or permanently in a suitable private home in such manner as shall best secure its welfare. Such corporation shall have authority when any such child has been surrendered to it in accordance with any of the preceding provisions, and it is still in its control, to consent to its adoption under the laws of Washington. The custody or control of any such child by any such corporation or by any other corporation, institution, society or person may be inquired into, and, in the discretion of the court, terminated at any time by the superior court of the county where the child may be, upon the complaint of any person, and a showing that such custody is not in the interest of the child).

Sec. 19. Section 12, chapter 291, Laws of 1955 and RCW 26.32.120 are each amended to read as follows:

Upon the conclusion of such hearing, if had, or upon filing the report of investigation, if any, or as soon as the procedure hereunder may permit, the court shall enter its decree either granting or denying the petition for adoption and change of name, if any, all as in its discretion it shall deem proper. If the decree denies the petition for adoption, the court shall make appropriate provision for the custody and care of the child. If the decree is for adoption, it shall provide:

(1) For the issuance of a certificate of birth of any child born in the state of Washington or in a foreign country, by the state registrar of vital statistics, in such form and containing such information as the court may deem proper and by such decree shall direct; and

(2) That the records of the registrar shall be secret unless otherwise provided by the court, and the same shall be disclosed only upon order of court for good cause shown(;

~~(3) That such adoption shall remain interlocutory for six months from date of entry of such decree, and shall become absolute at the expiration of said six months)) or under sections ... through ..., chapter ..., Laws of 1979 (Adoptive Records Act).~~

Such decree shall be final as to the parties thereto and those notified as herein provided unless appealed from within thirty days after entry thereof.

Sec. 20. Section 1, chapter 82, Laws of 1970 ex. sess. as amended by section 21, chapter 80, Laws of 1977 ex. sess. and RCW 26.36.050 are each amended to read as follows:

Every person, firm, society, association, or corporation receiving, securing a home for, or otherwise caring for a minor child shall transmit to the prospective adopting parent prior to placement and shall make available to all persons with whom a child has been placed by adoption a complete medical report containing all reasonably available information concerning the mental, physical and sensory handicaps of said child. Said report shall not reveal the identity of the natural parents of the child but shall include any reasonably available mental or physical health history of the natural parents that needs to be known by the adoptive parents to facilitate proper health care for the child. RCW 26.36.030 and ~~((RCW))~~ 26.36.060 shall not apply to any information made available by this section ~~((PROVIDED, HOWEVER, That this section shall not apply to attorneys performing legal services in connection with adoptions)).~~

Sec. 21. Section 80, chapter ... (SSB 2768), Laws of 1979 and RCW 74.13. __ are each amended to read as follows:

(1) A child taken into custody and taken to a crisis residential center established pursuant to section 78(2) of ~~((this 1979 act))~~ chapter ... (SSB 2768), Laws of 1979 may, if the center is unable to provide appropriate treatment, supervision, and structure to the child, be taken at department expense to another crisis residential center or the nearest regional crisis residential center. Placement in both centers shall not exceed seventy-two hours from the point of intake as provided in section 27 of ~~((this 1979 act))~~ chapter ... (SSB 2768), Laws of 1979.

(2) A child taken into custody and taken to a crisis residential center established by this chapter may be placed physically by the department or the department's designee and, at departmental expense and approval, in a secure detention facility operated by the county in which the center is located for a maximum of twenty-four hours, including Saturdays, Sundays,

and holidays, if the person in charge of the crisis residential center finds that the child is severely, emotionally, or behaviorally disturbed to the point that the child is suicidal, seriously assaultive, or seriously destructive towards others and the center is unable to provide appropriate supervision and structure. Any child who takes unauthorized leave from the center, if the person in charge of the center cannot provide supervision and structure adequate to ensure that the child will not again take unauthorized leave, may be taken to a secure detention facility subject to the provisions of this section: PROVIDED, That juveniles placed in such a facility pursuant to this section may not, to the extent possible, come in contact with alleged or convicted juvenile or adult offenders.

(3) Any child placed in secure detention pursuant to this section shall, during the period of confinement, be provided with appropriate treatment by the department or the department's designee, which shall include the services defined in section 79(2) of ~~((this 1979 act))~~ chapter ... (SSB 2768), Laws of 1979. If the child placed in secure detention is not returned home or if an alternative living arrangement agreeable to the parent and the child is not made within ~~((forty-eight))~~ twenty-four hours after the child's admission, the child shall be taken at the department's expense to a crisis residential center. Placement in the crisis residential center or centers plus placement in juvenile detention shall not exceed seventy-two hours from the point of intake as provided in section 27 of ~~((this 1979 act))~~ chapter ... (SSB 2768), Laws of 1979.

(4) Juvenile detention facilities used pursuant to this section shall first be certified by the department to ensure that juveniles placed in the facility pursuant to this section are provided with living conditions suitable to the well-being of the child. Where space is available, juvenile courts, when certified by the department to do so, shall provide secure placement for juveniles pursuant to this section, at department expense.

(5) It is the intent of the legislature that by December 1, 1980, crisis residential centers, supplemented by community mental health programs and mental health professionals, will be able to respond appropriately to children admitted to centers under this chapter and will be able to respond to the needs of such children with appropriate treatment, supervision, and structure.

Sec. 22. Section 17, chapter 172, Laws of 1967 as last amended by section 77, chapter 155, Laws of 1979 and RCW 74.13.031 are each amended to read as follows:

The department shall have the duty to provide child welfare services as defined in RCW 74.13.020, and shall:

(1) Develop, administer, ~~((and))~~ supervise, and monitor a coordinated and comprehensive plan that establishes, aids, and strengthens services for the protection and care of homeless, runaway, dependent, or neglected children.

(2) Develop a recruiting plan for recruiting an adequate number of prospective adoptive and foster homes, both regular and specialized, i.e. homes for children of ethnic minority, sibling groups, handicapped and emotionally disturbed, and annually submit the plan for review to the house and senate committees on social and health services. The plan shall include a section entitled "Foster Home Turn-Over, Causes and Recommendations."

(3) Investigate complaints of neglect, abuse, or abandonment of children by parents, legal custodians, or persons serving in loco parentis, and on the basis of the findings of such investigation, offer child welfare services in relation to the problem to such parents, legal custodians, or persons serving in loco parentis, and/or bring the situation to the attention of an appropriate court, or another community agency. If the investigation reveals that a crime may have been committed, the department shall notify the appropriate law enforcement agency.

~~((3))~~ (4) Offer, on a voluntary basis, crisis intervention to families who are in conflict.

~~((Crisis intervention services (a) shall consist of an interview or series of interviews with the child or his or her family, as needed, conducted within a brief period of time by qualified professional persons, and designed to alleviate personal or family situations which present a serious and imminent threat to the health or stability of the child or the family, and (b) may include, but are not limited to, the provision of or referral to services for suicide prevention, psychiatric or other medical care, or psychological, welfare, legal, educational, or other social services, as appropriate to the needs of the child and the family.~~

~~Nothing in this section shall prohibit an officer of the child welfare services from referring any child who, as a result of a mental or emotional disorder, or intoxication by alcohol or other drugs, is suicidal, seriously assaultive or seriously destructive towards others, or otherwise similarly evidences an immediate need for emergency medical evaluation and possible care, to a community mental health center pursuant to RCW 72.23.070.~~

~~(4) Have authority to accept for temporary residential care in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW a child who has been taken into limited custody pursuant to RCW 13.30.020; PROVIDED, That a juvenile shall in no event remain in temporary residential care for a period longer than seventy-two hours from the time of the juvenile's initial contact with the law enforcement officer except as otherwise provided in this section. Upon accepting the child, the staff of the facility shall notify the child's parents or custodian of his or her whereabouts, physical and emotional condition, and the circumstances surrounding his or her placement and shall undertake to make arrangements for the child's return home.~~

~~In every case crisis intervention services shall be provided as needed and the staff of the temporary facility shall seek to effect the child's return home~~

~~or alternative living arrangement agreeable to the child and the parent or custodian as soon as practicable.~~

~~(a) If, after his or her admission to a temporary residential facility, a child who is absent from home without permission and his or her parent or custodian agrees to the child's return home, the staff of the facility shall arrange transportation for the juvenile, as soon as practicable, to the county of residence of the parent or custodian, at the latter's expense to the extent of his or her ability to pay.~~

~~(b) If the child refuses to return home and if no other living arrangements agreeable to the child and the parent or custodian can be made, the staff of the facility shall arrange transportation for the child to a temporary nonsecure residential facility in the county of residence of the parent or custodian, at the expense of the latter to the extent of his or her ability to pay. If there is no such facility in the county of that residence, the nearest such facility to that residence shall be used.~~

~~(c) If a child's legal residence is outside the state of Washington and such child refuses to return home, the provisions of RCW 13.24.010 shall apply.~~

~~(d) If the parent or custodian refuses to permit the child to return home, and no other living arrangement agreeable to the child and the parent or custodian can be made, staff of the child welfare services section shall notify the juvenile court to appoint legal counsel for the child and shall file a dependency petition in the juvenile court in the jurisdiction of the residence of the parent or custodian.~~

~~(e) If a child and his or her parent or guardian agree to an arrangement for alternative residential placement, such placement may continue as long as there is agreement. During any alternative residential placement, there shall be provided to the child and to his or her family such services as may be appropriate to the particular case, to the end that the child may be reunited with the family as soon as practicable.~~

~~(f) If such child and his or her parent or custodian cannot agree to an arrangement for alternative residential placement in the first instance, or cannot agree to the continuation of such placement, the child or his or her parent or custodian may file with the juvenile court a petition to approve alternative residential placement pursuant to RCW 13.32.020. The child shall remain in the placement where he or she is located at the time a petition to approve alternative residential placement is filed until a placement decision is made pursuant to RCW 13.32.040.~~

~~(g) In no event shall alternative residential placement for a child in conflict with his or her family be arranged in a secure detention facility or in a secure institution except as provided in this subsection and RCW 13.34.140. A child in conflict with his or her parents may be detained in a secure detention facility operated by a county for a maximum of seventy-two hours if:~~

~~(i) The staff of the child welfare services section find that the child taken into limited custody has previously been placed in alternative residential care and has run away from such placement and that it is likely that the child will run away from another and different residential placement; or~~

~~(ii) The child refuses to return home and refuses to be placed in alternative residential care.~~

~~During such detention, efforts shall be continued to the end that the child may be returned home or other living arrangements agreeable to the child and his or her parent, guardian, or custodian are made. If an agreement concerning living arrangements for the child cannot be reached a petition shall be filed within forty-eight hours after initial detention of the child, pursuant to subsection (4)(f) of this section. The hearing on the petition shall be held within seventy-two hours, excluding Sundays and holidays, of the initial detention of the child. If the hearing on the petition is not held within these time limits the child shall be released from detention.~~

~~(5) Cooperate with other public and voluntary agencies and organizations in the development and coordination of programs and activities in behalf of children including but not limited to contracting with private and public entities to provide basic education and vocational training and crisis intervention services.~~

~~(6) Have authority to accept custody of children from parents, guardians, and/or juvenile courts, to provide child welfare services including placement for adoption, and to provide for the physical care of such children and to make payment of maintenance costs if needed.)~~

(5) Monitor out-of-home placements, on a timely and routine basis, to assure the safety, well-being, and quality of care being provided is within the scope of the intent of the legislature as defined in RCW 74.13.010 and 74.15.010, and annually submit a report delineating the results to the house and senate committees on social and health services.

(6) Have authority to accept custody of children from parents and to accept custody of children from juvenile courts, where authorized to do so under law, to provide child welfare services including placement for adoption, and to provide for the physical care of such children and make payment of maintenance costs if needed.

~~((6))~~ (7) Have authority to provide temporary shelter to children who have run away from home and who are admitted to crisis residential centers.

~~((7))~~ (8) Have authority to purchase care for children; and shall follow in general the policy of using properly approved private agency services for the actual care and supervision of such children insofar as they are available, paying for care of such children as are accepted by the department as eligible for support at reasonable rates established by the department.

~~((8))~~ (9) Establish a child welfare and day care advisory committee who shall act as an advisory committee to the state advisory committee and to the secretary in the development of policy on all matters pertaining to child welfare, day care, licensing of child care agencies, and services related thereto.

~~((9))~~ (10) Notwithstanding any other provision of ~~((sections 31 through 34 and 78 through 82 of this 1979 act))~~ RCW 13..... through 13..... (sections 31 through 34, chapter 155, Laws of 1979) and RCW 74.13... through 74.13... (sections 78 through 82, chapter 155, Laws of 1979), or of this section all services to be provided by the department of social and health services under subsections ~~((3) and))~~ (4), (6), and (7) of this section, subject to the limitations of these subsections, may be provided by any program offering such services funded pursuant to Titles II and III of the federal juvenile justice and delinquency prevention act of 1974 (P.L. No. 93-415; 42 U.S.C. 5634 et seq.; and 42 U.S.C. 5701 note as amended by P.L. 94-273, 94-503, and 95-115).

NEW SECTION. Sec. 23. The following acts or parts of acts are each repealed:

(1) Section 8, chapter 134, Laws of 1973, section 35, chapter 42, Laws of 1975-'76 2nd ex. sess. and RCW 26.37.015;

(2) Section 4, chapter 291, Laws of 1955, section 3, chapter 134, Laws of 1973, section 27, chapter 42, Laws of 1975-'76 2nd ex. sess. and RCW 26.32.040;

(3) Section 5, chapter 291, Laws of 1955, section 4, chapter 134, Laws of 1973, section 28, chapter 42, Laws of 1975-'76 2nd ex. sess. and RCW 26.32.050;

(4) Section 7, chapter 291, Laws of 1955, section 29, chapter 42, Laws of 1975-'76 2nd ex. sess. and RCW 26.32.070;

(5) Section 8, chapter 291, Laws of 1955, section 5, chapter 134, Laws of 1973, section 30, chapter 42, Laws of 1975-'76 2nd ex. sess. and RCW 26.32.080;

(6) Section 6, chapter 134, Laws of 1973, section 31, chapter 42, Laws of 1975-'76 2nd ex. sess. and RCW 26.32.085; and

(7) Section 13, chapter 291, Laws of 1955 and RCW 26.32.130.

NEW SECTION. Sec. 24. Sections 1 through 5 and 7 through 14 of this act shall be added to chapter 26.32 RCW.

NEW SECTION. Sec. 25. This act shall not apply to actions or proceedings commenced before the effective date of this act.

NEW SECTION. Sec. 26. 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. 27. Section 22 of this 1979 act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House May 2, 1979.

Passed the Senate April 28, 1979.

Approved by the Governor May 11, 1979.

Filed in Office of Secretary of State May 11, 1979.

CHAPTER 166

[Substitute House Bill No. 446]

WATER USE PERMITS—STREAM FLOW AND LEVEL PROTECTION

AN ACT Relating to water rights; and adding a new section to chapter 90.03 RCW.

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

NEW SECTION. Section 1. There is added to chapter 90.03 RCW a new section to read as follows:

Whenever an application for a permit to make beneficial use of public waters is approved relating to a stream or other water body for which minimum flows or levels have been adopted and are in effect at the time of approval, the permit shall be conditioned to protect the levels or flows. No agency may establish minimum flows and levels or similar water flow or level restrictions for any stream or lake of the state other than the department of ecology whose authority to establish is exclusive, as provided in chapter 90.03 RCW and RCW 90.22.010 and 90.54.040. The provisions of other statutes, including but not limited to RCW 75.20.100 and chapter 43.21C RCW, may not be interpreted in a manner that is inconsistent with this section. In establishing such minimum flows, levels, or similar restrictions, the department shall, during all stages of development by the department of ecology of minimum flow proposals, consult with, and carefully consider the recommendations of, the department of fisheries, the state game commission, the state energy office, the department of agriculture, and representatives of the affected Indian tribes. Nothing herein shall preclude the department of fisheries, the game commission, the energy office, or the department of agriculture from presenting its views on minimum flow needs at any public hearing or to any person or agency, and the department of fisheries, the game commission, the energy office, and the department of agriculture are each empowered to participate in proceedings of the federal energy regulatory commission and other agencies to present its views on minimum flow needs. The department of ecology shall file with the speaker of the house of representatives and the president of the senate on the first

day of each regular session of the legislature a report as to the implementation of its minimum flow setting program.

Passed the House April 27, 1979.

Passed the Senate April 24, 1979.

Approved by the Governor May 11, 1979.

Filed in Office of Secretary of State May 11, 1979.

CHAPTER 167

[Substitute House Bill No. 706]

CLAIMS AGAINST THE STATE—SETTLEMENT OF SMALL CLAIMS

AN ACT Relating to claims against the state; amending section 4, chapter 95, Laws of 1895 as last amended by section 2, chapter ... (House Bill No. 848), Laws of 1979 and RCW 4.92.040; and making an appropriation.

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

Section 1. Section 4, chapter 95, Laws of 1895 as last amended by section 2, chapter ... (House Bill No. 848), Laws of 1979 and RCW 4.92.040 are each amended to read as follows:

- (1) No execution shall issue against the state on any judgment.
- (2) Whenever a final judgment against the state shall have been obtained in an action on a claim arising out of tortious conduct, the clerk shall make and furnish to the director of financial management a duly certified copy of said judgment and the same shall be paid out of the tort claims revolving fund.
- (3) Whenever a final judgment against the state shall have been obtained in any other action, the clerk of the court shall make and furnish to the director of financial management a duly certified copy of such judgment; the director of financial management shall thereupon audit the amount of damages and costs therein awarded, and the same shall be paid from appropriations specifically provided for such purposes by law.
- (4) On and after September 21, 1977, all claims made to the legislature against the state of Washington for money or property, shall be accompanied by a statement of the facts on which such claim is based and such evidence as the claimant intends to offer in support of the claim and shall be filed with the director of financial management who shall retain the same as a record. All claims of five hundred dollars or less shall be approved or rejected by the director of financial management and if approved shall be paid from appropriations specifically provided for such purpose by law. Such decision, if adverse to the claimant in whole or part, shall not preclude claimant from seeking relief from the legislature: PROVIDED, That if the claimant accepts any part of his or her claim which is approved for payment by the director, such acceptance shall constitute a waiver and release of the state from any further claims relating to the damage or injury asserted in the claim so accepted. The director shall submit to the Senate Committee

on Ways and Means and to the House Committee on Appropriations, at the beginning of each regular session, a comprehensive list of all claims paid pursuant to this subsection during the preceding two years. For all claims over five hundred dollars, the director of financial management shall recommend to the legislature whether such claim should be approved or rejected. The legislative committees to whom such claims are referred shall make a transcript or statement of the substance of the evidence given in support of such a claim. If the legislature approves a claim the same shall be paid from appropriations specifically provided for such purpose by law.

NEW SECTION. Sec. 2. To carry out the purposes of this act, there is hereby appropriated five thousand dollars from the general fund to the office of financial management.

Passed the House April 27, 1979.
Passed the Senate April 25, 1979.
Approved by the Governor May 11, 1979.
Filed in Office of Secretary of State May 11, 1979.

CHAPTER 168

[Substitute House Bill No. 871]

DEPARTMENT OF TRANSPORTATION—OPERATIONS AND CAPITAL IMPROVEMENTS BUDGET

AN ACT Relating to transportation; making appropriations for the operations and capital improvements of the state department of transportation, the urban arterial board, and the board of pilotage commissioners; and declaring an emergency.

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

NEW SECTION. Section 1. (1) The budget of the state department of transportation is hereby adopted and, subject to the provisions hereinafter set forth, the several amounts hereinafter specified, or so much thereof as shall be necessary to accomplish the purposes designated, are hereby appropriated from the several accounts and funds hereinafter named to the state department of transportation for salaries, wages, and other state department of transportation expenses, for capital projects, and for other specified purposes, including the payment of any final judgments arising out of such activities, for the period ending June 30, 1981.

HIGHWAY CONSTRUCTION

(a) PROGRAM A

For the location, design, right of way, and construction of state highway projects designated as category "A" under the provisions of RCW 47.05-.030 \$177,939,300 from the motor vehicle fund consisting of \$81,663,600 of state funds and \$96,275,700 of federal and local funds.

(b) PROGRAM B

For the location, design, right of way, and construction of state highway projects on the interstate system designated as category "B" under the provisions of RCW 47.05.030 \$300,037,000 from the motor vehicle fund consisting of \$29,973,700 of state funds and \$270,063,300 of federal and local funds: PROVIDED, That estimated expenditures of \$91,200,000 (consisting of \$9,100,000 of state funds and \$82,100,000 of federal and local funds) are included in this appropriation for SR 90 from SR 5 to SR 405 and such estimated expenditures are subject to revision pursuant to subsection (3) of this section: PROVIDED FURTHER, That if either House Bill No. 1032 or Senate Bill No. 2782 is enacted into law in 1979 and signed by the governor, the total appropriation for Program B shall be reduced to \$290,937,000 (consisting of \$20,873,700 of state funds and \$270,063,300 of federal and local funds).

(c) PROGRAM C

For the location, design, right of way, and construction of state highway projects designated as category "C" under the provisions of RCW 47.05.030 \$63,520,000 from the motor vehicle fund consisting of \$60,744,700 of state funds and \$2,775,300 of federal and local funds: PROVIDED, That if House Bill No. 1032 is enacted into law in 1979 and signed by the governor, the total appropriation for Program C shall be increased to \$75,520,000 (consisting of \$72,744,700 of state funds and \$2,775,300 of federal and local funds): PROVIDED FURTHER, That if either House Bill No. 1032 or Senate Bill No. 2782 is not enacted into law in 1979 and if estimated expenditures of state funds for improvements to SR 90 from SR 5 to SR 405 (other than safety improvements) are reduced due to legal delays, then the total appropriation for Program C shall be increased to an amount not to exceed \$69,190,000 (consisting of \$66,414,700 of state funds and \$2,775,300 of federal and local funds).

CONSTRUCTION MANAGEMENT AND SUPPORT—PROGRAM D

For the improvement and construction of buildings and other highway plant construction, for management and support to the highway construction programs, and for administrative support necessary to support cities and counties in obtaining federal aid \$14,699,500 from the motor vehicle fund consisting of state funds.

HIGHWAY MAINTENANCE AND OPERATIONS—PROGRAM M

For the maintenance and operations of state highways, maintenance and operation of highway plant, and associated management and support \$121,613,000 from the motor vehicle fund consisting of \$118,682,000 of state funds and \$2,931,000 of local funds.

HIGHWAY MANAGEMENT AND SUPPORT—PROGRAM P

For the management and support of the highway programs; for any necessary increase in stores; for necessary pit and stockpile sites and write-off of obsolete stores, pits and stockpiles \$6,652,000 from the

motor vehicle fund consisting of state funds.

PUBLIC TRANSPORTATION AND PLANNING—PROGRAM T

For management and support of the public transportation and planning division, urban mass transportation administration programs, for rail programs, state loans for formation of public transportation districts, for studies which support local mass transit programs, for highway planning and research by the state department of transportation and for research and studies approved by the state department of transportation and the legislative transportation committee.

(a) For public transportation and rail programs

General fund (state funds)	\$	703,800
General fund (federal funds)	\$	6,305,300
General fund (local funds)	\$	2,003,300

(b) For planning and research

Motor vehicle fund (state funds)	\$	5,700,000
Motor vehicle fund (federal funds)	\$	5,583,000
Total public transportation and planning ap- propriation	\$	20,295,400

MARINE—PROGRAM W

For management and support of the marine transportation division and for the operation, maintenance, and capital improvements of the Washington state ferry system.

(a) For the operation and maintenance of the Washington state ferries, supplementing revenues available from the Washington state ferry system.

Motor vehicle fund (state funds)	\$	4,545,000
Motor vehicle fund—Puget Sound ferry opera- tions account (state funds)	\$	21,275,000
Total appropriation	\$	25,820,000

PROVIDED, That the Puget Sound ferry operations account appropriation of \$21,275,000 shall include \$4,545,000 transferred from the Puget Sound capital construction account in accordance with RCW 47.60.505.

(b) To carry out the provisions of RCW 47.60.420.

Motor vehicle fund—Puget Sound reserve ac- count (state funds)	\$	4,037,000
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(c) For improving the Washington state ferry system including, but not limited to, vessel acquisition, vessel construction, major and minor vessel improvements, and terminal construction and improvements.

Motor vehicle fund—Puget Sound capital con- struction account (state funds)	\$	80,216,000
Motor vehicle fund—Puget Sound capital con- struction account (federal funds)	\$	2,000,000
Total appropriation	\$	82,216,000

PROVIDED, That the appropriation of state funds from the Puget Sound capital construction account shall contain \$50,000,000 of the proceeds from the sale of bonds authorized by RCW 47.60.560.

Total marine appropriation \$ 112,073,000

PROVIDED, That there is hereby appropriated from the motor vehicle fund to the department of transportation \$900,000 of state funds or so much thereof as may be necessary to guarantee, pursuant to chapter 131, Laws of 1979, that if revenues from the imposition of tolls and franchise fees for use of the existing Spokane river toll bridge are insufficient to meet the cost of maintenance and operation and required payments of principal and interest on bonds sold for the construction of the existing Spokane river toll bridge that such payments may be made.

EXECUTIVE MANAGEMENT AND MANAGEMENT SERVICES—PROGRAMS S AND Z

For executive management, management services, and support costs of the department of transportation.

General fund—aeronautics account (state funds)	\$	10,000
General fund (state funds)	\$	65,000
Motor vehicle fund—Puget Sound capital construction account (state funds)	\$	641,000
Motor vehicle fund—Puget Sound ferry operations account (state funds)	\$	302,000
Motor vehicle fund (state funds)	\$	14,382,000
Total executive and management services appropriation	\$	15,400,000

PROVIDED, That the department of transportation may transfer any portion of the motor vehicle fund appropriations for Programs S and Z between subprograms of Programs S and Z.

AERONAUTICS—PROGRAM F

For management and support of the aeronautics division, state fund grants to local airports, development and maintenance of a state-wide airport system plan, maintenance of state owned emergency airports and the search and rescue program, including the Washington wing civil air patrol in accordance with RCW 47.68.370 \$1,293,800 from the aeronautics account in the general fund consisting of state funds.

For the search and rescue program \$77,000 from the search and rescue account of the general fund consisting of state funds.

Total aeronautics appropriation \$ 1,370,800

(2) The transportation commission may transfer any appropriations from the motor vehicle fund contained in subsection (1) of this section between programs for expenditure except that no funds appropriated from the motor vehicle fund may be transferred into the public transportation program, SUBPROGRAM T-3; the executive management and management

services programs, PROGRAMS S AND Z; or the aeronautics program, PROGRAM F.

(3) Prior to October 1, 1979, the Washington state transportation commission shall prepare and adopt a 1979-1981 operational budget based upon the appropriations contained in section 1 of this act. The Washington state department of transportation shall submit the necessary allotment forms to the office of financial management (those forms should be submitted with the objective to achieve a 2 - 4 million dollar cost savings as determined to be reasonable in the judgment of the transportation commission and in those areas of the operating programs deemed appropriate by the commission) and provide the legislative transportation committee with a copy of the operational budget. For the purposes of computing the motor vehicle fuel tax rate in accordance with RCW 82.36.025, such savings shall not be considered.

NEW SECTION. Sec. 2. There is hereby appropriated from the general fund to the department of transportation for the biennium ending June 30, 1981 \$975,000 for supportive services to off-the-job training programs for minority construction workers and for minority contractors' training programs: PROVIDED, That this appropriation or so much thereof as may be necessary shall be expended on or before June 30, 1981, and shall be fully reimbursable from federal funds.

NEW SECTION. Sec. 3. The budget for the urban arterial board is hereby adopted and there is hereby appropriated from the urban arterial trust account in the motor vehicle fund to the urban arterial board for the biennium ending June 30, 1981 \$63,827,400 consisting of state funds, or so much thereof as may be necessary, for implementing and administering the program of financial assistance to cities and counties in urban areas for urban arterial highways, roads, and streets: PROVIDED, That said appropriation shall include \$12,000,000 from the proceeds from the sale of first authorization bonds provided for by RCW 47.26.420 through 47.26.427 as enacted, reenacted or amended by chapter 5, Laws of 1979 and shall further include \$35,000,000 from the proceeds from the sale of series II bonds as provided for by RCW 47.26.420 through 47.26.427 as enacted, reenacted or amended by chapter 5, Laws of 1979: PROVIDED FURTHER, That no funds included in this appropriation shall be expended for the West Seattle freeway project (as last approved by the urban arterial board on May 18, 1978) unless the board approves a change in scope of such project by December 1, 1979: PROVIDED FURTHER, That during the 1979-81 biennium, the urban arterial board shall not authorize any additional projects which in the board's judgment cannot be placed under contract for construction within eighteen months of authorization.

NEW SECTION. Sec. 4. The budget for the board of pilotage commissioners is hereby adopted and there is hereby appropriated from the pilotage account in the general fund to the board of pilotage commissioners for the biennium ending June 30, 1981 \$22,000 consisting of state funds, or so much thereof as may be necessary, to carry out the provisions of chapter 88.16 RCW: PROVIDED, That if Senate Bill No. 2952 is enacted into law in 1979 and signed by the governor, the appropriation contained in this section shall not exceed \$53,000 consisting of state funds.

NEW SECTION. Sec. 5. 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. 6. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House May 2, 1979.
Passed the Senate April 27, 1979.
Approved by the Governor May 11, 1979.
Filed in Office of Secretary of State May 11, 1979.

CHAPTER 169
[Substitute House Bill No. 872]
DEPARTMENT OF TRANSPORTATION—MOTOR VEHICLE FUND
APPROPRIATION

AN ACT Relating to transportation; making appropriations and authorizing expenditures for the biennium ending June 30, 1981; 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 department of transportation from the motor vehicle fund the several amounts hereinafter specified, or so much thereof as may be necessary to accomplish the purposes designated, for salaries, wages and other state department of transportation expenses, for obligations incurred but not paid as of July 1, 1979, for capital projects, and for other specified purposes, including the payment of any final judgments arising out of such activities for the biennium ending June 30, 1981.

ASSISTANCE TO OTHERS - PROGRAM R

(1) For reimbursable expenditures for the location, design, right of way, and construction on city streets and county roads and other nonstate highways, including the unexpended balances of state funds from the sale of bonds for Columbia Basin county roads authorized in chapter 121, Laws of

1951, chapter 311, Laws of 1955, and chapter 121, Laws of 1965, for reimbursable expenditures on cooperative projects authorized by state and/or federal law and for expenditures through federal emergency relief acts \$119,090,200 consisting of \$118,500,200 of federal and local funds and \$590,000 of bond funds.

(2) For reimbursable expenditures for maintenance on city streets, county roads, and other nonstate highways and for expenditures in accordance with RCW 47.56.720 \$919,000 consisting of \$805,000 of local funds and \$114,000 of state funds.

(3) For miscellaneous sales and services to others \$4,360,000 consisting of local funds.

(4) For reimbursable expenditures for the location, design, right of way and construction of the West Seattle Bridge \$100,000,000 consisting of federal funds.

Total assistance to others appropriation \$ 224,369,200 :PROVIDED, That the department of transportation may transfer any portion of the appropriations contained in this section between subprograms of Program R.

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 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 24, 1979.
Passed the Senate April 27, 1979.
Approved by the Governor May 11, 1979.
Filed in Office of Secretary of State May 11, 1979.

CHAPTER 170
[Substitute House Bill No. 912]
SOLAR EASEMENTS

AN ACT Relating to solar easements; amending section 35.63.060, chapter 7, Laws of 1965 and RCW 35.63.060; amending section 35.63.080, chapter 7, Laws of 1965 and RCW 35.63.080; amending section 35.63.090, chapter 7, Laws of 1965 and RCW 35.63.090; amending section 35A.63.062, chapter 119, Laws of 1967 ex. sess. and RCW 35A.63.062; amending section 35A.63.100, chapter 119, Laws of 1967 ex. sess. and RCW 35A.63.100; amending section 36.70.350, chapter 4, Laws of 1963 and RCW 36.70.350; amending section 36.70.560, chapter 4, Laws of 1963 and RCW 36.70.560; adding a new section to chapter 35.63 RCW; adding a new section to chapter 35A.63 RCW; adding a new section to chapter 36.70 RCW; adding new sections to chapter 64.04 RCW; and creating a new section.

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

NEW SECTION. Section 1. The legislature declares that the potential economic and environmental benefits of solar energy use are considered to be in the public interest; therefore, local governments are authorized to encourage and protect access to direct sunlight for solar energy systems. The legislature further declares that solar easements appropriate to assuring continued access to direct sunlight for solar energy systems may be created and may be privately negotiated.

NEW SECTION. Sec. 2. There is added to chapter 35.63 RCW a new section to read as follows:

As used in this chapter, "solar energy system" means any device or combination of devices or elements which rely upon direct sunlight as an energy source, including but not limited to any substance or device which collects sunlight for use in:

- (1) The heating or cooling of a structure or building;
- (2) The heating or pumping of water;
- (3) Industrial, commercial, or agricultural processes; or
- (4) The generation of electricity.

A solar energy system may be used for purposes in addition to the collection of solar energy. These uses include, but are not limited to, serving as a structural member or part of a roof of a building or structure and serving as a window or wall.

Sec. 3. Section 35.63.060, chapter 7, Laws of 1965 and RCW 35.63.060 are each amended to read as follows:

The commission may act as the research and fact finding agency of the municipality. To that end it may make such surveys, analyses, researches and reports as are generally authorized or requested by its council or board, or by the state with the approval of its council or board. The commission, upon such request or authority may also:

(1) Make inquiries, investigations, and surveys concerning the resources of the county, including but not limited to the potential for solar energy development and alternative means to encourage and protect access to direct sunlight for solar energy systems;

(2) Assemble and analyze the data thus obtained and formulate plans for the conservation of such resources and the systematic utilization and development thereof;

(3) Make recommendations from time to time as to the best methods of such conservation, utilization, and development;

(4) Cooperate with other commissions and with other public agencies of the municipality, state and United States in such planning, conservation, and development; and

(5) In particular cooperate with and aid the state within its territorial limits in the preparation of the state master plan provided for in RCW 43-21.190 and in advance planning of public works programs.

Sec. 4. Section 35.63.080, chapter 7, Laws of 1965 and RCW 35.63.080 are each amended to read as follows:

The council or board may provide for the preparation by its commission and the adoption and enforcement of coordinated plans for the physical development of the municipality. For this purpose the council or board, in such measure as is deemed reasonably necessary or requisite in the interest of health, safety, morals and the general welfare, upon recommendation by its commission, by general ordinances of the city or general resolution of the board, may regulate and restrict the location and the use of buildings, structures and land for residence, trade, industrial and other purposes; the height, number of stories, size, construction and design of buildings and other structures; the size of yards, courts and other open spaces on the lot or tract; the density of population; the set-back of buildings along highways, parks or public water frontages; and the subdivision and development of land; and may encourage and protect access to direct sunlight for solar energy systems. A council where such ordinances are in effect, may, on the recommendation of its commission provide for the appointment of a board of adjustment, to make, in appropriate cases and subject to appropriate conditions and safeguards established by ordinance, special exceptions in harmony with the general purposes and intent and in accordance with general or specific rules therein contained.

Sec. 5. Section 35.63.090, chapter 7, Laws of 1965 and RCW 35.63.090 are each amended to read as follows:

All regulations shall be worked out as parts of a comprehensive plan which each commission shall prepare for the physical and other generally advantageous development of the municipality and shall be designed, among other things, to encourage the most appropriate use of land throughout the municipality; to lessen traffic congestion and accidents; to secure safety from fire; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to promote a coordinated development of the unbuilt areas; to encourage the formation of neighborhood or community units; to secure an appropriate allotment of land area in new developments for all the requirements of community life; to conserve and restore natural beauty and other natural resources; to encourage and protect access to direct sunlight for solar energy systems; and to facilitate the adequate provision of transportation, water, sewerage and other public uses and requirements.

NEW SECTION. Sec. 6. There is added to chapter 35A.63 RCW a new section to read as follows:

As used in this chapter, "solar energy system" means any device or combination of devices or elements which rely upon direct sunlight as an energy source, including but not limited to any substance or device which collects sunlight for use in:

- (1) The heating or cooling of a structure or building;
- (2) The heating or pumping of water;
- (3) Industrial, commercial, or agricultural processes; or
- (4) The generation of electricity.

A solar energy system may be used for purposes in addition to the collection of solar energy. These uses include, but are not limited to, serving as a structural member or part of a roof of a building or structure and serving as a window or wall.

Sec. 7. Section 35A.63.062, chapter 119, Laws of 1967 ex. sess. and RCW 35A.63.062 are each amended to read as follows:

The comprehensive plan may include also any or all of the following optional elements:

- (1) A conservation element for the conservation, development, and utilization of natural resources.
- (2) An open space, park, and recreation element.
- (3) A transportation element showing a comprehensive system of surface, air, and water transportation routes and facilities.
- (4) A public-use element showing general locations, designs, and arrangements of public buildings and uses.
- (5) A public utilities element showing general plans for public and franchised services and facilities.
- (6) A redevelopment or renewal element showing plans for the redevelopment or renewal of slum and blighted areas.
- (7) An urban design element for general organization of the physical parts of the urban landscape.
- (8) Other elements dealing with subjects that, in the opinion of the legislative body, relate to the development of the municipality, or are essential or desirable to coordinate public services and programs with such development.
- (9) A solar energy element for encouragement and protection of access to direct sunlight for solar energy systems.

Sec. 8. Section 35A.63.100, chapter 119, Laws of 1967 ex. sess. and RCW 35A.63.100 are each amended to read as follows:

After approval of the comprehensive plan, as set forth above, the legislative body, in developing the municipality and in regulating the use of land, may implement or give effect to the comprehensive plan or parts thereof by ordinance or other action to such extent as the legislative body deems necessary or appropriate. Such ordinances or other action may provide for:

- (1) Adoption of an official map and regulations relating thereto designating locations and requirements for one or more of the following: Streets,

parks, public buildings, and other public facilities, and protecting such sites against encroachment by buildings and other physical structures.

(2) Dividing the municipality, or portions thereof, into appropriate zones within which specific standards, requirements, and conditions may be provided for regulating the use of public and private land, buildings, and structures, and the location, height, bulk, number of stories, and size of buildings and structures, size of yards, courts, open spaces, density of population, ratio of land area to the area of buildings and structures, setbacks, area required for off-street parking, protection of access to direct sunlight for solar energy systems, and such other standards, requirements, regulations, and procedures as are appropriately related thereto. The ordinance encompassing the matters of this subsection is hereinafter called the "zoning ordinance". No zoning ordinance, or amendment thereto, shall be enacted by the legislative body without at least one public hearing, notice of which shall be given as set forth in RCW 35A.63.070. Such hearing may be held before the planning agency or the board of adjustment or such other body as the legislative body shall designate.

(3) Adoption of design standards, requirements, regulations, and procedures for the subdivision of land into two or more parcels, including, but not limited to, the approval of plats, dedications, acquisitions, improvements, and reservation of sites for public use.

(4) Scheduling public improvements on the basis of recommended priorities over a period of years, subject to periodic review.

(5) Such other matters as may be otherwise authorized by law or as the legislative body deems necessary or appropriate to effectuate the goals and objectives of the comprehensive plan or parts thereof and the purposes of this chapter.

NEW SECTION. Sec. 9. There is added to chapter 36.70 RCW a new section to read as follows:

As used in this chapter, "solar energy system" means any device or combination of devices or elements which rely upon direct sunlight as an energy source, including but not limited to any substance or device which collects sunlight for use in:

- (1) The heating or cooling of a structure or building;
- (2) The heating or pumping of water;
- (3) Industrial, commercial, or agricultural processes; or
- (4) The generation of electricity.

A solar energy system may be used for purposes in addition to the collection of solar energy. These uses include, but are not limited to, serving as a structural member or part of a roof of a building or structure and serving as a window or wall.

Sec. 10. Section 36.70.350, chapter 4, Laws of 1963 and RCW 36.70-.350 are each amended to read as follows:

A comprehensive plan may include——

(1) a conservation element for the conservation, development and utilization of natural resources, including water and its hydraulic force, forests, water sheds, soils, rivers and other waters, harbors, fisheries, wild life, minerals and other natural resources,

(2) a solar energy element for encouragement and protection of access to direct sunlight for solar energy systems,

(3) a recreation element showing a comprehensive system of areas and public sites for recreation, natural reservations, parks, parkways, beaches, playgrounds and other recreational areas, including their locations and proposed development,

~~((3))~~ (4) a transportation element showing a comprehensive system of transportation, including general locations of rights of way, terminals, viaducts and grade separations. This element of the plan may also include port, harbor, aviation and related facilities,

~~((4))~~ (5) a transit element as a special phase of transportation, showing proposed systems of rail transit lines, including rapid transit in any form, and related facilities,

~~((5))~~ (6) a public services and facilities element showing general plans for sewerage, refuse disposal, drainage and local utilities, and rights of way, easements and facilities for such services,

~~((6))~~ (7) a public buildings element, showing general locations, design and arrangements of civic and community centers, and showing locations of public schools, libraries, police and fire stations and all other public buildings,

~~((7))~~ (8) a housing element, consisting of surveys and reports upon housing conditions and needs as a means of establishing housing standards to be used as a guide in dealings with official controls related to land subdivision, zoning, traffic, and other related matters,

~~((8))~~ (9) a renewal and/or redevelopment element comprising surveys, locations, and reports for the elimination of slums and other blighted areas and for community renewal and/or redevelopment, including housing sites, business and industrial sites, public building sites and for other purposes authorized by law,

~~((9))~~ (10) a plan for financing a capital improvement program,

~~((10))~~ (11) as a part of a comprehensive plan the commission may prepare, receive and approve additional elements and studies dealing with other subjects which, in its judgment, relate to the physical development of the county.

Sec. 11. Section 36.70.560, chapter 4, Laws of 1963 and RCW 36.70-.560 are each amended to read as follows:

Official controls may include:

(1) Maps showing the exact boundaries of zones within each of which separate controls over the type and degree of permissible land uses are defined;

(2) Maps for streets showing the exact alignment, gradients, dimensions and other pertinent features, and including specific controls with reference to protecting such accurately defined future rights of way against encroachment by buildings, other physical structures or facilities;

(3) Maps for other public facilities, such as parks, playgrounds, civic centers, etc., showing exact location, size, boundaries and other related features, including appropriate regulations protecting such future sites against encroachment by buildings and other physical structures or facilities;

(4) Specific regulations and controls pertaining to other subjects incorporated in the comprehensive plan or establishing standards and procedures to be employed in land development including, but not limited to, subdividing of land and the approval of land plats and the preservation of streets and lands for other public purposes requiring future dedication or acquisition and general design of physical improvements, and the encouragement and protection of access to direct sunlight for solar energy systems.

NEW SECTION. Sec. 12. There is added to chapter 64.04 RCW a new section to read as follows:

(1) As used in this chapter:

(a) "Solar energy system" means any device or combination of devices or elements which rely upon direct sunlight as an energy source, including but not limited to any substance or device which collects sunlight for use in:

- (i) The heating or cooling of a structure or building;
- (ii) The heating or pumping of water;
- (iii) Industrial, commercial, or agricultural processes; or
- (iv) The generation of electricity.

A solar energy system may be used for purposes in addition to the collection of solar energy. These uses include, but are not limited to, serving as a structural member or part of a roof of a building or structure and serving as a window or wall; and

(b) "Solar easement" means a right, expressed as an easement, restriction, covenant, or condition contained in any deed, contract, or other written instrument executed by or on behalf of any landowner for the purpose of assuring adequate access to direct sunlight for solar energy systems.

(2) A solar easement is an interest in real property, and shall be created in writing and shall be subject to the same conveyancing and instrument recording requirements as other easements.

(3) A solar easement shall be appurtenant and run with the land or lands benefited and burdened, unless otherwise provided in the easement.

(4) Any instrument creating a solar easement shall include but not be limited to:

(a) A description of the real property subject to the solar easement and a description of the real property benefiting from the solar easement; and

(b) A description of the extent of the solar easement which is sufficiently certain to allow the owner of the real property subject to the easement to

ascertain the extent of the easement. Such description may be made by describing the vertical and horizontal angles, expressed in degrees, at which the solar easement extends over the real property subject to the easement and the points from which those angles are to be measured, or the height over the property above which the solar easement extends, or a prohibited shadow pattern, or any other reasonably certain description.

(5) Any instrument creating a solar easement may include:

(a) The terms or conditions or both under which the solar easement is granted or will be terminated; and

(b) Any provisions for compensation to the owner of property benefiting from the solar easement in the event of interference with the enjoyment of the solar easement, or compensation to the owner of the property subject to the solar easement for maintaining the solar easement.

NEW SECTION. Sec. 13. There is added to chapter 64.04 RCW a new section to read as follows:

In any action for interference with a solar easement, if the instrument creating the easement does not specify any appropriate and applicable remedies, the court may choose one or more remedies including but not limited to the following:

(1) Actual damages as measured by increased charges for supplemental energy, the capital cost of the solar energy system, and/or the cost of additional equipment necessary to supply sufficient energy:

(a) From the time the interference began until the actual or expected cessation of the interference; or

(b) If the interference is not expected to cease, in a lump sum which represents the present value of the damages from the time the interference began until the normally expected end of the useful life of the equipment which was interfered with;

(2) Reasonable and necessary attorney's fees as fixed by the court; and

(3) An injunction against the interference.

NEW SECTION. Sec. 14. There is added to chapter 64.04 RCW a new section to read as follows:

A solar easement created under this chapter may only be created by written agreement. Nothing in this chapter shall be deemed to create or authorize the creation of an implied easement or a prescriptive easement.

NEW SECTION. Sec. 15. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the House May 2, 1979.

Passed the Senate April 25, 1979.

Approved by the Governor May 11, 1979.

Filed in Office of Secretary of State May 11, 1979.

CHAPTER 171

[Engrossed Substitute House Bill No. 125]

PUBLIC ASSISTANCE—CHILD SUPPORT

AN ACT Relating to social and health services; amending section 15, chapter 206, Laws of 1963 as amended by section 3, chapter 183, Laws of 1973 1st ex. sess. and RCW 74.20.300; amending section 74.04.290, chapter 26, Laws of 1959 as last amended by section 305, chapter 141, Laws of 1979 and RCW 74.04.290; amending section 2, chapter 322, Laws of 1959 as last amended by section 364, chapter 141, Laws of 1979 and RCW 74.20.010; amending section 2, chapter 164, Laws of 1971 ex. sess. and RCW 74.20A.020; amending section 3, chapter 164, Laws of 1971 ex. sess. as amended by section 4, chapter 183, Laws of 1973 1st ex. sess. and RCW 74.20A.030; amending section 6, chapter 164, Laws of 1971 ex. sess. as amended by section 7, chapter 183, Laws of 1973 1st ex. sess. and RCW 74.20A.060; amending section 8, chapter 164, Laws of 1971 ex. sess. as amended by section 9, chapter 183, Laws of 1973 1st ex. sess. and RCW 74.20A.080; amending section 11, chapter 164, Laws of 1971 ex. sess. and RCW 74.20A.110; amending section 16, chapter 164, Laws of 1971 ex. sess. and RCW 74.20A.160; amending section 20, chapter 164, Laws of 1971 ex. sess. as amended by section 18, chapter 183, Laws of 1973 1st ex. sess. and RCW 74.20A.200; amending section 9, chapter 164, Laws of 1971 ex. sess. as amended by section 10, chapter 183, Laws of 1973 1st ex. sess. and RCW 74.20A.090; amending section 1, chapter 30, Laws of 1974 ex. sess. as last amended by section 41, chapter 350, Laws of 1977 ex. sess. and RCW 51.32.040; amending section 25, chapter 183, Laws of 1973 1st ex. sess. and RCW 74.20A.055; amending section 16, chapter 173, Laws of 1969 ex. sess. as amended by section 2, chapter 183, Laws of 1973 1st ex. sess. and RCW 74.20.101; amending section 74.09.180, chapter 26, Laws of 1959 as last amended by section 1, chapter 306, Laws of 1971 ex. sess. and RCW 74.09.180; amending section 22, chapter 164, Laws of 1971 ex. sess. as amended by section 20, chapter 183, Laws of 1973 1st ex. sess. and RCW 74.20A.220; amending section 25, chapter 164, Laws of 1971 ex. sess. as amended by section 23, chapter 183, Laws of 1973 1st ex. sess. and RCW 74.20A.250; adding a new section to chapter 74.04 RCW; adding new sections to chapter 74.20 RCW; adding new sections to chapter 74.20A RCW; creating a new section; repealing section 5, chapter 164, Laws of 1971 ex. sess., section 6, chapter 183, Laws of 1973 1st ex. sess. and RCW 74.20A.050; repealing section 27, chapter 183, Laws of 1973 1st ex. sess. (uncodified); and prescribing penalties.

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

Section 1. Section 15, chapter 206, Laws of 1963 as amended by section 3, chapter 183, Laws of 1973 1st ex. sess. and RCW 74.20.300 are each amended to read as follows:

No filing or recording fees, court fees, or fees for making copies of documents (~~(or fees for service of process)~~) shall be required from the state department of social and health services by any county clerk, county auditor, (~~(sheriff)~~) or other county officer for the filing of any actions or documents (~~((authorized by this chapter, or for the service of any summons or other process in any action or proceeding authorized by this chapter))~~) necessary to establish paternity or enforce or collect support moneys.

Filing fees shall also not be required of any prosecuting attorney or the attorney general for action to establish paternity or enforce or collect support moneys.

Sec. 2. Section 74.04.290, chapter 26, Laws of 1959 as last amended by section 305, chapter 141, Laws of 1979 and RCW 74.04.290 are each amended to read as follows:

In carrying out any of the provisions of this title, the secretary, county administrators, hearing examiners or other duly authorized officers of the department shall have power to subpoena witnesses, administer oaths, take testimony and compel the production of such papers, books, records and documents as they may deem relevant to the performance of their duties; but no officer or agency mentioned in this section shall have power to compel the production of any papers, books, records or documents which are in the custody of any other such officer or agency and within his or its power to provide voluntarily on request.

If an individual fails to obey the subpoena or obeys the subpoena but refuses to testify when required concerning any matter under examination or investigation or the subject of a hearing, the officer or agency issuing the subpoena may petition the superior court of the county where the examination or investigation is being conducted for enforcement of the subpoena. The petition shall be accompanied by a copy of the subpoena and proof of service, and shall set forth in what specific manner the subpoena has not been complied with, and shall ask an order of the court to compel the witness to appear and testify before the agency. The court upon such petition shall enter an order directing the witness to appear before the court at a time and place to be fixed in such order and then and there to show cause why he has not responded to the subpoena or has refused to testify. A copy of the order shall be served upon the witness. If it appears to the court that the subpoena was properly issued and that the particular questions which the witness refuses to answer are reasonable and relevant the court shall enter an order that the witness appear at the time and place fixed in the order and testify or produce the required papers, and on failing to obey said order the witness shall be dealt with as for contempt of court.

The subpoena shall be served in the same manner prescribed for the service of a summons in a civil action or by certified mail, return receipt requested. The receipt shall be prima facie evidence of service.

Sec. 3. Section 2, chapter 164, Laws of 1971 ex. sess. and RCW 74.20A.020 are each amended to read as follows:

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

(1) "Department" means the state department of social and health services.

(2) "Secretary" means the secretary of the department of social and health services, his designee or authorized representative.

(3) "Dependent child" means any person under the age of twenty-one who is not otherwise emancipated, self-supporting, married, or a member of the armed forces of the United States.

(4) "Superior court order" means any judgment or order of the superior court of the state of Washington ordering payment of a set or determinable amount of support moneys, or an order of a court of comparable jurisdiction of another state ordering payment of a set or determinable amount of support moneys.

(5) "Responsible parent" means ~~((the))~~ a natural ~~((or))~~ parent, adoptive parent, or stepparent of a dependent child.

(6) "Stepparent" means the present spouse of the person who is either the mother, father, or adoptive parent of a dependent child, and such status shall exist and continue as provided for in RCW 26.16.205 until the relationship is terminated by death or dissolution of marriage.

(7) "Support moneys" means any moneys paid to satisfy a support obligation whether denominated as child support, spouse support, alimony, maintenance, or any other such moneys intended to satisfy an obligation for support of any person or satisfaction in whole or in part of arrears or delinquency on such an obligation.

Sec. 4. Section 3, chapter 164, Laws of 1971 ex. sess. as amended by section 4, chapter 183, Laws of 1973 1st ex. sess. and RCW 74.20A.030 are each amended to read as follows:

~~((Except as provided in this section and in section 27 of this 1973 amendatory act, any payment of public assistance money made to or for the benefit of any dependent child or children creates a debt due and owing to the department by the natural or adoptive parent or parents who are responsible for support of such children in an amount equal to the amount of public assistance money so paid. PROVIDED, That where there has been a superior court order, the debt shall be limited to the amount provided for by said order. The department shall have the right to petition the appropriate superior court for modification of a superior court order on the same grounds as a party to said cause. Where a child has been placed in foster care, and a written agreement for payment of support has been entered into by the responsible parent or parents and the department, the debt shall be limited to the amount provided for in said agreement. PROVIDED, That if a court order for support is or has been entered, the provisions of said order shall prevail over the agreement. The department shall adopt rules and regulations, based on ability to pay, with respect to the level of support to be provided for in such agreements, or modifications of such agreements based on changed circumstances:))~~

The department shall be subrogated to the right of ~~((said))~~ any dependent child or children or person having the care, custody, and control of said child or children, if public assistance money is paid to or for the benefit of

the child, to prosecute or maintain any support action or execute any administrative remedy existing under the laws of the state of Washington to obtain reimbursement of moneys ((thus)) expended, based on the support obligation of the responsible parent established by a superior court order or RCW 26.16.205. ((If a superior court order enters judgment for an amount of support to be paid by an obligor parent, the department shall be subrogated to the debt created by such order, and said money judgment shall be deemed to be in favor of the department. This subrogation shall specifically be applicable to temporary spouse support orders, family maintenance orders and alimony orders up to the amount paid by the department in public assistance moneys to or for the benefit of a dependent child or children but allocated to the benefit of said children on the basis of providing necessities for the caretaker of said children:

Debt under this section shall not be incurred by nor at any time be collected)) No collection shall be made from a parent or other person who is the recipient of public assistance moneys ((for the benefit of minor dependent children for the period)) while such person or persons are in such status.

No collection action shall be taken against parents of children eligible for admission to, or children who have been released from, a state school for the developmentally disabled as defined by chapter 72.33 RCW.

Sec. 5. Section 6, chapter 164, Laws of 1971 ex. sess. as amended by section 7, chapter 183, Laws of 1973 1st ex. sess. and RCW 74.20A.060 are each amended to read as follows:

Twenty-one days after receipt or refusal of notice of debt under provisions of RCW 74.20A.040, or twenty-one days after service of notice ((of debt)) and finding of financial responsibility, or as otherwise appropriate under ((the provisions of RCW 74.20A.050)) RCW 74.20A.055, or as appropriate under ((the provisions of section 27 of this 1973 amendatory)) section 18 of this 1979 act a lien may be asserted by the secretary upon the real or personal property of the debtor. The claim of the department for a support debt, not paid when due, shall be a lien against all property of the debtor with priority of a secured creditor. This lien shall be separate and apart from, and in addition to, any other lien created by, or provided for, in this title. The lien shall attach to all real and personal property of the debtor on the date of filing of such statement with the county auditor of the county in which such property is located. A lien against earnings shall attach and be effective subject to service requirements of RCW 74.20A.070 upon filing with the county auditor of the county in which the employer does business or maintains an office or agent for the purpose of doing business.

Whenever a support lien has been filed and there is in the possession of any person, firm, corporation, association, political subdivision or department of the state having notice of said lien any property which may be

subject to the support lien, such property shall not be paid over, released, sold, transferred, encumbered or conveyed, except as provided for by the exemptions contained in RCW 74.20A.090 and 74.20A.130, unless a written release or waiver signed by the secretary has been delivered to said person, firm, corporation, association, political subdivision or department of the state or unless a determination has been made in a fair hearing pursuant to RCW (~~74.20A.050~~) 74.20A.055 or by a superior court ordering release of said support lien on the basis that no debt exists or that the debt has been satisfied.

Sec. 6. Section 8, chapter 164, Laws of 1971 ex. sess. as amended by section 9, chapter 183, Laws of 1973 1st ex. sess. and RCW 74.20A.080 are each amended to read as follows:

After service of a notice of debt as provided for in RCW 74.20A.040 stating a support debt accrued and/or accruing based upon subrogation to or assignment of the amount required to be paid under any superior court order or (~~whenever a support lien has been filed pursuant to RCW 74.20A.060~~) twenty-one days after service of the notice and finding of financial responsibility or as otherwise appropriate under RCW 74.20A.055, or as appropriate under section 18 of this 1979 act, the secretary is hereby authorized to issue to any person, firm, corporation, association, political subdivision or department of the state, an order to withhold and deliver property of any kind including, but not restricted to, earnings which are due, owing, or belonging to the debtor, when the secretary has reason to believe that there is in the possession of such person, firm, corporation, association, political subdivision or department of the state property which is due, owing, or belonging to said debtor. The order to withhold and deliver (~~which shall also be served upon the debtor,~~) shall state the amount of the support debt accrued, and shall state in summary the terms of RCW 74.20A.090 and 74.20A.100. The order to withhold and deliver shall be served in the manner prescribed for the service of a summons in a civil action or by certified mail, return receipt requested. Any person, firm, corporation, association, political subdivision or department of the state upon whom service has been made is hereby required to answer said order to withhold and deliver within twenty days, exclusive of the day of service, under oath and in writing, and shall make true answers to the matters inquired of therein. The secretary may require further and additional answers to be completed by the person, firm, corporation, association, political subdivision or department of the state. In the event there is in the possession of any such person, firm, corporation, association, political subdivision or department of the state any property which may be subject to the claim of the department of social and health services, such property shall be withheld immediately upon receipt of the order to withhold and deliver and shall, after the twenty day period, upon demand, be delivered forthwith to the secretary. The secretary shall hold said property in trust for application on the indebtedness involved

or for return, without interest, in accordance with final determination of liability or nonliability. In the alternative, there may be furnished to the secretary a good and sufficient bond, satisfactory to the secretary, conditioned upon final determination of liability. Where money is due and owing under any contract of employment, express or implied, or is held by any person, firm, corporation, or association, political subdivision or department of the state subject to withdrawal by the debtor, such money shall be delivered by remittance payable to the order of the secretary. Delivery to the secretary of the money or other property held or claimed shall satisfy the requirement of the order to withhold and deliver. Delivery to the secretary shall serve as full acquittance and the state warrants and represents that it shall defend and hold harmless for such actions persons delivering money or property to the secretary pursuant to this chapter. The state also warrants and represents that it shall defend and hold harmless for such actions persons withholding money or property pursuant to this chapter. The foregoing is subject to the exemptions contained in RCW 74.20A.090 (~~and 74.20A.130~~).

The secretary shall also, on or before the date of service of the order to withhold and deliver, mail or cause to be mailed by certified mail a copy of the order to withhold and deliver to the debtor at the debtor's last known post office address, or, in the alternative, a copy of the order to withhold and deliver shall be served on the debtor in the same manner as a summons in a civil action on or before the date of service of the order or within two days thereafter. The copy of the order shall be mailed or served together with a concise explanation of the right to petition for a hearing. This requirement is not jurisdictional, but, if the copy is not mailed or served as in this section provided, or if any irregularity appears with respect to the mailing or service, the superior court, in its discretion on motion of the debtor promptly made and supported by affidavit showing that the debtor has suffered substantial injury due to the failure to mail the copy, may set aside the order to withhold and deliver and award to the debtor an amount equal to the damages resulting from the secretary's failure to serve on or mail to the debtor the copy.

Sec. 7. Section 11, chapter 164, Laws of 1971 ex. sess. and RCW 74.20A.110 are each amended to read as follows:

Whenever any person, firm, corporation, association, political subdivision or department of the state has in its possession earnings, deposits, accounts, or balances in excess of the amount of the debt claimed by the department (~~plus one hundred dollars~~), such person, firm, corporation, association, political subdivision or department of the state may, without liability under this chapter, release said excess to the debtor.

Sec. 8. Section 16, chapter 164, Laws of 1971 ex. sess. and RCW 74.20A.160 are each amended to read as follows:

With respect to any arrearages on a support debt assessed under RCW 74.20A.040, 74.20A.055, or section 18 of this 1979 act, the secretary may at any time consistent with the income, earning capacity and resources of the debtor, set or reset a level and schedule of payments to be paid upon the debt. The secretary may, upon petition of the debtor providing sufficient evidence of hardship, after consideration of the standards established in RCW 74.20.270, release or refund moneys taken pursuant to RCW 74.20A.080 to provide for the reasonable necessities of the responsible parent or parents and minor children in the home of the responsible parent. Nothing in this section shall be construed to require the secretary to take any action which would require collection of less than the obligation for current support required under a superior court order or an administrative order or to take any action which would result in a bar of collection of arrearages from the debtor by reason of the statute of limitations.

Sec. 9. Section 20, chapter 164, Laws of 1971 ex. sess. as amended by section 18, chapter 183, Laws of 1973 1st ex. sess. and RCW 74.20A.200 are each amended to read as follows:

Any person against whose property a support lien has been filed or an order to withhold and deliver has been served pursuant to this chapter may apply for relief to the superior court of the county wherein the property is located on the basis that no support debt is due and owing(~~(-PROVIDED; That judicial relief shall not be granted except as provided for in RCW 74.08.080 whenever a fair hearing has been requested pursuant to RCW 74.20A.050. Liens filed during pendency of fair hearing or court review shall be reviewed pursuant to RCW 74.08.080)~~). It is the intent of this chapter that jurisdictional and constitutional issues, if any, shall be subject to review, but that administrative remedies be exhausted prior to judicial review.

Sec. 10. Section 9, chapter 164, Laws of 1971 ex. sess. as amended by section 10, chapter 183, Laws of 1973 1st ex. sess. and RCW 74.20A.090 are each amended to read as follows:

Whenever a support lien or order to withhold and deliver is served upon any person, firm, corporation, association, political subdivision or department of the state asserting a support debt against earnings and there is in the possession of such person, firm, corporation, association, political subdivision, or department of the state, any such earnings, RCW 7.33.280 shall not apply, but fifty percent of the disposable earnings shall be exempt and may be disbursed to the debtor whether such earnings are paid, or to be paid weekly, monthly, or at other ~~((regular))~~ intervals and whether there be due the debtor earnings for one week or for a longer period. The lien or order to withhold and deliver shall continue to operate and require said person, firm, corporation, association, political subdivision, or department of the state to withhold the nonexempt portion of earnings at each succeeding earnings disbursement interval until the entire amount of the support debt stated in the lien or order to withhold and deliver has been withheld. As

used in this chapter, the term "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonus, or otherwise, and, notwithstanding any other provision of law making such payments exempt from garnishment, attachment, or other process to satisfy support obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments ((by any department or division of the state based upon inability to work or obtain employment)) made under Title 50 or 74 RCW. Earnings shall specifically include all gain derived from capital, from labor, or from both combined, not including profit gained through sale or conversion of capital assets. The term "disposable earnings" means that part of the earnings of any individual remaining after the deduction from those earnings of any amount ((be)) required by law to be withheld.

Sec. 11. Section 1, chapter 30, Laws of 1974 ex. sess. as last amended by section 41, chapter 350, Laws of 1977 ex. sess. and RCW 51.32.040 are each amended to read as follows:

No money paid or payable under this title shall, except as provided for in RCW ((74.20A.090 and 74.20A.100)) 74.20A.260, 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 worker suffers a permanent partial injury, and dies from some other cause than the accident which produced such injury before he or she shall have received payment of his or her award for such permanent partial injury, or if any worker suffers any other injury before he or she shall have received payment of any monthly installment covering any period of time prior to his or her 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 worker suffers an injury and dies therefrom before he or she shall have received payment of any monthly installment covering time loss for any period of time prior to his or her 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 worker 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 worker 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 worker would, but for the provisions of this proviso, otherwise be entitled thereto: PROVIDED FURTHER, That if any prisoner is injured in the course of his or her employment while participating in a work or training release program authorized by chapter 72.65 RCW and is subject to the provisions of this title, he or she shall be entitled to payments under this title subject to the requirements of chapter 72.65 RCW unless his or her participation in such program has been canceled, or unless he or she is returned to a state correctional institution, as defined in RCW 72.65.010(3), as a result of revocation of parole or new sentence: PROVIDED FURTHER, That if such incarcerated worker has during such confinement period, any beneficiaries, they shall be paid directly the monthly benefits which would have been paid to him or her for himself or herself and his or her beneficiaries had he or she not been so confined. Any lump sum benefits to which the worker would otherwise be entitled but for the provisions of these provisos shall be paid on a monthly basis to his or her beneficiaries.

Sec. 12. Section 25, chapter 183, Laws of 1973 1st ex. sess. and RCW 74.20A.055 are each amended to read as follows:

~~((As an alternative to the hearing and appeal procedures provided in RCW 74.20A.050,))~~ (1) The secretary may, in the absence of a superior court order, serve on the responsible parent or parents a notice and finding of financial responsibility requiring a responsible parent or parents to appear and show cause in a hearing held by the department why the finding of responsibility and/or the amount thereof is incorrect, should not be finally ordered, but should be rescinded or modified. This notice and finding shall relate to the support debt accrued and/or accruing under this chapter and/or RCW 26.16.205, including periodic payments to be made in the future for such period of time as the child or children of said responsible parent or parents are in need. Said hearing shall be held pursuant to ~~((this 1973 amendatory act))~~ RCW 74.20A.055, chapter 34.04 RCW, and the rules and regulations of the department, which shall provide for a fair hearing.

(2) The notice and finding of financial responsibility shall be served in the same manner prescribed for the service of a summons in a civil action or may be served on the responsible parent by certified mail, return receipt requested. The receipt shall be prima facie evidence of service. The notice shall be served upon the debtor within sixty days from the date the state assumes responsibility for the support of the dependent child or children on whose behalf support is sought. If the notice is not served within sixty days from such date, the department shall lose the right to reimbursement of

payments made after the sixty-day period and before the date of notification: PROVIDED, That if the department exercises reasonable efforts to locate the debtor and is unable to do so the entire sixty-day period is tolled until such time as the debtor can be located. Any responsible parent who objects to all or any part of the notice and finding shall have the right for not more than twenty days from the date of service to request in writing a hearing, which request shall be served upon the ((secretary or his designee)) department by registered or certified mail or personally. If no such request is made, the notice and finding of responsibility shall become final and the debt created therein shall be subject to collection action as authorized under this chapter. If a timely request is made, the execution of notice and finding of responsibility shall be stayed pending the decision on such hearing((, or any direct appeal to the courts from that decision)). If no timely written request for a hearing has previously been made, the responsible parent may petition the secretary or the secretary's designee at any time for a hearing as provided for in this section upon a showing of good cause for the failure to make a timely request for hearing. The filing of the petition for a hearing after the twenty-day period shall not affect any collection action previously taken under this chapter. The granting of a request for the hearing shall operate as a stay on any future collection action, pending the final decision of the secretary or the secretary's designee on the hearing. Moneys withheld as a result of collection action in effect at the time of the granting of the request for the hearing shall be delivered to the department and shall be held in trust by the department pending the final order of the secretary or during the pendency of any appeal to the courts made under chapter 34.04 RCW. The department may petition the hearing examiner to set temporary current and future support to be paid beginning with the month in which the petition for an untimely hearing is granted. The hearing examiner shall order payment of temporary current and future support if appropriate in an amount determined pursuant to the scale of suggested minimum contributions adopted under RCW 74.20.270. In the event the responsible parent does not make payment of the temporary current and future support as ordered by the hearing examiner, the department may take collection action pursuant to chapter 74.20A RCW during the pendency of the hearing or thereafter to collect any amounts owing under the order. Temporary current and future support paid, or collected, during the pendency of the hearing or appeal shall be disbursed to the custodial parent or as otherwise appropriate when received by the department. If the final decision of the department, or of the courts on appeal, is that the department has collected from the responsible parent other than temporary current or future support, an amount greater than such parent's past support debt, the department shall promptly refund any such excess amount to such parent.

(3) Hearings may be held in the county of residence or other place convenient to the responsible parent. Any such hearing shall be a "contested

case" as defined in RCW 34.04.010. The notice and finding of financial responsibility shall set forth the amount the department has determined the responsible parent owes, the support debt accrued and/or accruing, and(~~;~~ as appropriate, the amount to be paid thereon each month)) periodic payments to be made in the future for such period of time as the child or children of the responsible parent are in need, all computable on the basis of the ((amount of the monthly public assistance payment previously paid, or)) need alleged((, and the ability of the responsible parent to pay all, or any portion of the amount so paid and/or being paid and/or to be paid)). The notice and finding shall also include a statement of the name of the recipient or custodian and the name of the child or children for whom ~~((assistance is being paid or))~~ need is alleged; and/or a statement of the amount of periodic future support payments as to which financial responsibility is ~~((found))~~ alleged.

(4) The notice and finding shall include a statement that the responsible parent may object to all or any part of the notice and finding, and request a hearing to show cause why said responsible parent should not be determined to be liable for any or all of the debt, past and future(~~(, determined, and the amount to be paid thereon))~~).

The notice and finding shall ~~((also))~~ include a statement that, if the responsible parent fails in timely fashion to request a hearing ~~((that))~~, the support debt and payments stated in the notice and finding, including periodic support payments in the future, shall be assessed and determined and ordered by the department and that this debt shall be subject to collection action; a statement that the property of the debtor, without further advance notice or hearing, will be subject to lien and foreclosure, distraint, seizure and sale, or order to withhold and deliver to satisfy the debt.

(5) If a hearing is requested, it shall be promptly scheduled, in no more than thirty days. The hearing, including a hearing on prospective modification, shall be conducted by a duly qualified hearing examiner appointed for that purpose.

After evidence has been presented at hearings conducted by the hearing examiner, the hearing examiner shall enter an initial decision and order which shall be in writing and shall contain findings and conclusions as to each contested issue of fact and law, as well as the order based thereon. The hearing examiner shall file the original of the initial decision and order, signed by the hearing examiner, with the secretary or the secretary's designee. Copies of the initial decision and order shall be mailed by the hearing examiner to the department and to the appellant by certified mail to the last known address of each party. Within thirty days of filing, either the appellant or the department may file with the secretary or the secretary's designee a written petition for review of the initial decision and order. The petition for review shall set forth in detail the basis for the requested review

and shall be mailed by the petitioning party to the other party by certified or registered mail to the last known address of the party.

The petition shall be based on any of the following causes materially affecting the substantial rights of the petitioner:

(a) Irregularity in the proceedings of the hearing examiner or adverse party, or any order of the hearing examiner, or abuse of discretion, by which the moving party was prevented from having a fair hearing;

(b) Misconduct of the prevailing party;

(c) Accident or surprise which ordinary prudence could not have guarded against;

(d) Newly discovered evidence, material for the party making the application, which the party could not with reasonable diligence have discovered and produced at the hearing;

(e) That there is no evidence or reasonable inference from the evidence to justify the decision, or that it is contrary to law;

(f) Error in mathematical computation;

(g) Error in law occurring at the hearing and objected to at the time by the party making the application;

(h) That the moving party is unable to perform according to the terms of the order without further clarification;

(i) That substantial justice has not been done;

(j) Fraud or misstatement of facts by any witness, which materially affects the debt;

(k) Clerical mistakes in the decision arising from oversight or omission;
or

(l) That the decision and order entered because the responsible parent failed to appear at the hearing should be vacated and the matter be remanded for a hearing upon showing of the grounds enumerated in RCW 4.72.010 or superior court civil rule 60.

In the event no petition for review is made as provided in this subsection by any party, the initial decision and order of the hearing examiner is final as of the date of filing and becomes the decision and order of the secretary. No appeal may be taken therefrom to the courts and the debt created is subject to collection action as authorized by this chapter.

After the receipt of a petition for review, the secretary or the secretary's designee shall consider the initial decision and order, the petition or petitions for review, the record or any part thereof, and such additional evidence and argument as the secretary or the secretary's designee may in his or her discretion allow. The secretary or the secretary's designee may remand the proceedings to the hearing examiner for additional evidence or argument. The secretary or the secretary's designee may deny review of the initial decision and order and thereupon deny the petition or petitions at which time the initial decision and order shall be final as of the date of the denial and all parties shall forthwith be notified, in writing, of the denial, by

certified mail to the last known address of the parties. Unless the petition is denied, the secretary or the secretary's designee shall review the initial decision and order and shall make the final decision and order of the department. The final decision and order shall be in writing and shall contain findings of fact and conclusions of law as to each contested issue of fact and law. A copy of the decision and order, including the findings and conclusions, shall be mailed to each party to the appeal by certified mail to the last known address of the party. The decision and order shall authorize collection action, as appropriate, under this chapter.

(6) The hearing examiner in his or her initial decision, or the secretary or the secretary's designee in review of the initial decision, shall determine the past liability and responsibility, if any, of the alleged responsible parent ((under RCW 74.20A.030,)) and shall also determine the amount of periodic payments to be made ((to satisfy past, present or future liability under RCW 74.20A.030 and/or 26.16.205)) in the future, which amount is not limited by the amount of any public assistance payment made to or for the benefit of the child. In making these determinations, the hearing examiner, and the secretary or the secretary's designee, shall include in his or her considerations ((1) the necessities and requirements of the child or children, exclusive of any income of the custodian of said child or children, (2) the amount of support debt claimed, (3) the public policy and intent of the legislature to require that children be maintained from the resources of responsible parents thereby relieving to the greatest extent possible the burden borne by the general citizenry through welfare programs, and (4) the abilities and resources of the responsible parent));

(a) All earnings and income resources of the responsible parent, including real and personal property;

(b) The earnings potential of the responsible parent;

(c) The reasonable necessities of the responsible parent;

(d) The ability of the responsible parent to borrow;

(e) The needs of the child for whom the support is sought;

(f) The amount of assistance which would be paid to the child under the full standard of need of the state's public assistance plan;

(g) The existence of other dependents; and

(h) That the child, for whom support is sought, benefits from the income and resources of the responsible parent on an equitable basis in comparison with any other minor children of the responsible parent.

If the responsible parent fails to appear at the hearing, upon a showing of valid service, the hearing examiner shall enter an initial decision and order declaring the support debt and payment provisions stated in the notice and finding of financial responsibility to be assessed and determined and subject to collection action. Within ~~((fifteen))~~ thirty days of entry of said decision and order, the responsible parent may petition the ~~((department))~~ secretary or the secretary's designee to vacate said decision and order upon

a showing of any of the grounds enumerated in RCW 4.72.010 or superior court civil rule 60.

(7) The ~~((hearing examiner shall, within twenty days of the hearing, enter findings, conclusions and a))~~ final decision ~~((determining liability and responsibility and/or future periodic support payments. The determination of the hearing examiner))~~ entered pursuant to this section shall be entered as a decision and order and shall limit the support debt ~~((under RCW 74.20A.030))~~ to the amounts stated in said decision: PROVIDED, That said decision establishing liability and/or future periodic support payments shall be superseded upon entry of a superior court order for support to the extent the superior court order is inconsistent with the hearing order or decision: PROVIDED FURTHER, That in the absence of a superior court order, either the responsible parent or the department may petition the secretary or his designee for issuance of an order to appear and show cause based on a showing of good cause and material change of circumstances, to require the other party to appear and show cause why the decision previously entered should not be prospectively modified. Said order to appear and show cause together with a copy of the petition and affidavit upon which the order is based shall be served in the manner of a summons in a civil action or by certified mail, return receipt requested, on the other party by the petitioning party. A hearing shall be set not less than fifteen nor more than thirty days from the date of service, unless extended for good cause shown. Prospective modification may be ordered, but only upon a showing of good cause and material change of circumstances. The decision and order for prospective modification entered by the hearing examiner shall be an initial decision subject to review by the secretary or the secretary's designee as provided for in this section.

(8) The ~~((department, in its original determinations, and the))~~ hearing examiner, in making ~~((determinations based on objections to original determinations or on petitions to modify))~~ the initial decision and the secretary or the secretary's designee in the final decision determining liability and/or future periodic support payments, shall consider the standards promulgated pursuant to RCW 74.20.270 and any standards for determination of support payments used by the superior court of the county of residence of the responsible parent.

(9) Debts determined pursuant to this section, accrued and not paid, are subject to collection action under this chapter without further necessity of action by the hearing examiner, or the secretary or secretary's designee.

(10) "Need" as used in this section shall mean the necessary costs of food, clothing, shelter, and medical attendance for the support of a dependent child or children. The amount determined by reference to the schedule of suggested minimum contributions adopted under RCW 74.20.270, based on the earnings, resources, and property of the alleged responsible parent, shall be a rebuttable presumption of the alleged responsible parent's ability

to pay and the need of the family: PROVIDED, That such responsible parent shall be presumed to have no ability to pay child support under this chapter from any income received from aid to families with dependent children, supplemental security income, or continuing general assistance.

Sec. 13. Section 16, chapter 173, Laws of 1969 ex. sess. as amended by section 2, chapter 183, Laws of 1973 1st ex. sess. and RCW 74.20.101 are each amended to read as follows:

Whenever, as a result of any action, support money is paid by the person or persons responsible for support, such payment shall be paid through the support enforcement and collections unit of the state department of social and health services upon written notice by the department to the responsible person or to the clerk of the court, if appropriate, that the children for whom a support obligation exists are receiving public assistance or that the support debt has been assigned to the department.

After service on a responsible parent of a notice under this section or RCW 74.20A.040 or 74.20A.055, payment of moneys or in-kind providings for the support of the responsible parent's children which are not paid to the department shall not be credited against or set-off against any obligation to provide support which has been assigned to the department, whether the obligation has been determined by court order, or pursuant to RCW 74.20A.055, or is unliquidated.

Sec. 14. Section 74.09.180, chapter 26, Laws of 1959 as last amended by section 1, chapter 306, Laws of 1971 ex. sess. and RCW 74.09.180 are each amended to read as follows:

The provisions of this chapter shall not apply to recipients whose personal injuries are occasioned by negligence or wrong of another: PROVIDED, HOWEVER, That the secretary of the department of social and health services may, in his discretion, furnish assistance, under the provisions of this chapter, for the results of injuries to or illness of a recipient, and the department of social and health services shall thereby be subrogated to the recipient's right of recovery therefor to the extent of the value of the assistance furnished by the department of social and health services: PROVIDED FURTHER, That to the end of securing reimbursement of any assistance furnished to such a recipient, the department of social and health services may, as a nonexclusive legal remedy, assert and enforce a lien upon any claim, right of action, and/or money, including any claim for benefits arising from an insurance program, to which such recipient is entitled (a) against any tortfeasor and/or insurer of such tortfeasor, or (b) any contract of insurance, purchased by the recipient or any other person, providing coverage to such recipient for said injuries, any illness, dental costs, costs incident to birth, or any other coverage for purposes of or costs for which the department provides assistance or meets all or part of the cost of care to a vendor, to the extent of the assistance furnished by said department to the recipient. If a recovery shall be made and the subrogation or lien is satisfied

either in full or in part as a result of an independent action initiated by or on behalf of a recipient to recover the personal injuries against any tortfeasor or insurer, then and in that event the amount repaid to the state of Washington as a result of said action, whether concluded by entry of a judgment or compromise and settlement, shall bear its proportionate share of attorney's fees and costs incurred by the injured recipient or his widow, children, or dependents, as the case may be, to the extent that such attorney's fees and costs are approved by the court in which the action is initiated, and upon notice to the department which shall have the right to be heard on the matter.

NEW SECTION. Sec. 15. There is added to chapter 74.20 RCW a new section to read as follows:

The provisions of RCW 26.26.090 requiring appointment of a general guardian or guardian ad litem to represent the child in an action brought to determine the parent and child relationship do not apply to actions brought under chapter 26.26 RCW if:

(1) The action is brought by the attorney general on behalf of the department of social and health services, the child, or the natural mother; or

(2) The action is brought by any prosecuting attorney on behalf of the state, the child, or the natural mother when referral has been made to the prosecuting attorney by the department of social and health services requesting such action.

The court, on its own motion or on motion of a party, may appoint a guardian ad litem when necessary.

Sec. 16. Section 22, chapter 164, Laws of 1971 ex. sess. as amended by section 20, chapter 183, Laws of 1973 1st ex. sess. and RCW 74.20A.220 are each amended to read as follows:

Any support debt due the department from a responsible parent which the secretary deems uncollectible may be transferred from accounts receivable to a suspense account and cease to be accounted as an asset: **PROVIDED**, That at any time after six years from the date a support debt was incurred, the secretary may charge off as uncollectible any support debt upon which the secretary finds there is no available, practical, or lawful means by which said debt may be collected(~~(-PROVIDED FURTHER, That no proceedings or action under the provisions of this chapter may be begun after expiration of said six year period to institute collection of a support debt. Nothing herein shall be construed to render invalid or nonactionable a support lien filed prior to the expiration of said six year period or an assignment of earnings or order to withhold and deliver executed prior to the expiration of said six year period))~~).

The department may accept offers of compromise of disputed claims or may grant partial or total charge-off of support arrears owed to the department up to the total amount of public assistance paid to or for the benefit of the persons for whom the support obligation was incurred. The

department shall adopt rules as to the considerations to be made in the granting or denial of partial or total charge-off and offers of compromise of disputed claims of debt for support arrears.

The responsible parent owing a support debt may execute a written extension or waiver of any statute, including but not limited to RCW 4.56-.210, which may bar or impair the collection of the debt and the extension or waiver shall be effective according to its terms.

NEW SECTION. Sec. 17. There is added to chapter 74.20 RCW a new section to read as follows:

Whenever a custodian of children, or other person, receives support moneys paid to them which moneys are paid in whole or in part in satisfaction of a support obligation which has been assigned to the department pursuant to 42 U.S.C. Sec. 602(A)(26)(a) or section 22 of this act or to which the department is owed a debt pursuant to RCW 74.20A.030, the moneys shall be remitted to the department within eight days of receipt by the custodian or other person. If not so remitted the custodian or other person shall be indebted to the department as a support debt in an amount equal to the amount of the support money received and not remitted.

By not paying over the moneys to the department, a custodial parent or other person is deemed, without the necessity of signing any document, to have made an irrevocable assignment to the department of any support delinquency owed which is not already assigned to the department or to any support delinquency which may accrue in the future in an amount equal to the amount of support money retained. The department may utilize the collection procedures in chapter 74.20A RCW to collect the assigned delinquency to effect recoupment and satisfaction of the debt incurred by reason of the failure of the custodial parent or other person to remit. The department is also authorized to make a set-off to effect satisfaction of the debt by deduction from support moneys in its possession or in the possession of any clerk of the court or other forwarding agent which are paid to the custodial parent or other person for the satisfaction of any support delinquency. Nothing in this section authorizes the department to make set-off as to current support paid during the month for which the payment is due and owing.

NEW SECTION. Sec. 18. There is added to chapter 74.20A RCW a new section to read as follows:

The secretary may issue a notice of support debt to any person, firm, corporation, association or political subdivision of the state of Washington or any officer or agent thereof who is in possession of support moneys, or who has had support moneys in his or her possession at some time in the past, which support moneys were or are claimed by the department as the property of the department by assignment, subrogation, or by operation of law or legal process under chapter 74.20A RCW, if the support moneys have not been remitted to the department as required by law.

The notice shall describe the claim of the department, stating the legal basis for the claim and shall provide sufficient detail to enable the person, firm, corporation, association or political subdivision or officer or agent thereof upon whom service is made to identify the support moneys in issue. The notice may also make inquiry as to relevant facts necessary to the resolution of the issue.

The notice may be served by certified mail, return receipt requested, or in the manner of a summons in a civil action. Upon service of the notice all moneys not yet disbursed or spent or like moneys to be received in the future are deemed to be impounded and shall be held in trust pending answer to the notice and any hearing which is requested.

The notice shall be answered under oath and in writing within twenty days of the date of service, which answer shall include true answers to the matters inquired of in the notice. The notice shall also either acknowledge the department's right to the moneys or request an administrative hearing to determine the rights to ownership of the support moneys in issue. The hearing shall be held pursuant to this section, chapter 34.04 RCW, and the rules of the department and shall be a contested case as provided for in chapter 34.04 RCW. The burden of proof to establish ownership of the support moneys claimed, including but not limited to moneys not yet disbursed or spent, is on the department.

If no answer is made within the twenty days, the department's claim shall be assessed and determined and subject to collection action as a support debt pursuant to chapter 74.20A RCW. Any such debtor may, at any time within one year from the date of service of the notice of support debt, petition the secretary or the secretary's designee for a hearing upon a showing of any of the grounds enumerated in RCW 4.72.010 or superior court civil rule 60. A copy of the petition shall also be served on the department. The filing of the petition shall not stay any collection action being taken, but the debtor may petition the secretary or the secretary's designee for an order staying collection action pending final decision of the secretary or the secretary's designee or the courts on any appeal made pursuant to chapter 34.04 RCW. Any moneys held and/or taken by collection action prior to the date of any such stay and any support moneys claimed by the department, including moneys to be received in the future to which the department may have a claim, shall be held in trust pending final decision and appeal, if any, to be disbursed in accordance with the final decision. The secretary or the secretary's designee shall condition the stay to provide for the trust.

If the hearing is granted it shall be an administrative hearing limited to the determination of the ownership of the moneys claimed in the notice of debt. The right to the hearing is conditioned upon holding of any funds not yet disbursed or expended or to be received in the future in trust pending the final order in these proceedings or during any appeal made to the courts.

The secretary or the secretary's designee shall enter an appropriate order providing for the terms of the trust.

The hearing shall be a contested case as provided for in chapter 34.04 RCW and shall be held pursuant to this section, chapter 34.04 RCW, and the rules of the department. The hearing shall be promptly scheduled within thirty days from the date of receipt of the answer by the department. The hearing shall be conducted by a duly qualified hearing examiner appointed for that purpose. Hearings may be held in the county of residence of the debtor or other place convenient to the debtor.

If the debtor fails to appear at the hearing, the hearing examiner shall, upon showing of valid service, enter an initial decision and order declaring the amount of support moneys, as claimed in the notice, to be assessed and determined and subject to collection action. Within thirty days of entry of the decision and order the debtor may petition the secretary or the secretary's designee to vacate the decision and order upon a showing of any of the grounds enumerated in RCW 4.72.010 or superior court civil rule 60.

The hearing and review process shall be as provided for in RCW 74.20A.055.

If, at any time, the superior court enters judgment for an amount of debt at variance with the amount determined by the final order in these proceedings, the judgment shall supersede the final order in these proceedings. Any debt determined by the superior court in excess of the amount determined by the final order in these proceedings shall be the property of the department as assigned under 42 U.S.C. 602(A)(26)(a), RCW 74.20-.040, 74.20A.250, or sections 17 or 22 of this act. The department may, despite any final order in these proceedings, take action pursuant to chapters 74.20 or 74.20A RCW to obtain such a judgment or to collect moneys determined by such a judgment to be due and owing.

If public assistance moneys have been paid to a parent for the benefit of that parent's minor dependent children, debt under this chapter shall not be incurred by nor at any time be collected from that parent because of that payment of assistance. Nothing in this section prohibits or limits the department from acting pursuant to section 17 of this act and this section to assess a debt against a recipient or ex-recipient for receipt of support moneys paid in satisfaction of the debt assigned under section 22 of this act which have been assigned to the department but were received by a recipient or ex-recipient from another responsible parent and not remitted to the department. The department may not take collection action during such period of time as the public assistance recipient remains in that status. Payments not credited against the department's debt pursuant to RCW 74.20.101 may not be assessed or collected under this section.

NEW SECTION. Sec. 19. There is added to chapter 74.20 RCW a new section to read as follows:

In order to facilitate and ensure compliance with Title IV-D of the federal social security act, now existing or hereafter amended, wherein the state is required to undertake to establish paternity of such children as are born out of wedlock, the secretary of social and health services may pay the reasonable and proper fees of attorneys admitted to practice before the courts of this state, who are engaged in private practice for the purpose of maintaining actions under chapter 26.26 RCW on behalf of such children, to the end that parent and child relationships be determined and financial support obligations be established by superior court order. The secretary or the secretary's designee shall make the determination in each case as to which cases shall be referred for representation by such private attorneys. The secretary may advance, pay, or reimburse for payment of, such reasonable costs as may be attendant to an action under chapter 26.26 RCW. The representation by a private attorney shall be only on behalf of the subject child, the custodial natural parent, and the child's personal representative or guardian ad litem, and shall not in any manner be, or be construed to be, in representation of the department of social and health services or the state of Washington, such representation being restricted to that provided pursuant to chapters 43.10 and 36.27 RCW.

Sec. 20. Section 25, chapter 164, Laws of 1971 ex. sess. as amended by section 23, chapter 183, Laws of 1973 1st ex. sess. and RCW 74.20A.250 are each amended to read as follows:

By accepting public assistance (~~((for or on behalf of a child or children, the recipient shall be deemed to have made assignment to the department of any and all right, title, and interest in any support obligation owed to or for said child or children up to the amount of public assistance money paid for or on behalf of said child or children for such term of time as such public assistance moneys are paid.))~~), the recipient ((shall also be)) is deemed, without the necessity of signing any document, to have appointed the secretary as his or her true and lawful attorney in fact to act in his or her name, place, and stead to perform the specific act of endorsing any and all drafts, checks, money orders or other negotiable instruments representing support payments which are received on behalf of said child or children as reimbursement for the public assistance moneys previously paid to said recipient.

NEW SECTION. Sec. 21. There is added to chapter 74.20A RCW a new section to read as follows:

Whenever any person requests an administrative hearing under RCW 74.20A.055 or section 18 of this act, after the department has notified the person of the requirements of this section, it shall be the responsibility of the person to notify the department of the person's mailing address at the time the request for hearing is made and also to notify the department of any subsequent change of mailing address during the pendency of the action and any appeal made therefrom to the courts. Whenever the person has a

duty under this section to advise the department of the person's mailing address, mailing by the department by certified mail to the person's last known address constitutes service as required by chapters 74.20A and 34.04 RCW.

NEW SECTION. Sec. 22. There is added to chapter 74.20 RCW a new section to read as follows.

(1) Whenever public assistance is paid under this title, each applicant or recipient is deemed to have made assignment to the department of any rights to support from any other person the applicant or recipient may have in his or her own behalf or in behalf of any other family member for whom the applicant or recipient is applying for or receiving public assistance, including any rights which have accrued at the time the assignment is made. Payment of public assistance under this chapter operates as an assignment by operation of law.

(2) The department may, during the four months following the last month in which public assistance was paid, and thereafter if a nonassistance application for support enforcement services has been made under RCW 74.20.040, pay the family, from collections made on the delinquent support assigned, an amount equal to the monthly amount required by either the superior court order for support or the administrative order entered under RCW 74.20A.055. Nothing in this section shall be construed to permit the department to make such payments for months in which no collections have been made on the delinquent support assigned, nor is the department permitted to make payments for the support of one person from collections on the delinquent support assigned by a different person. The department has, upon making any such payment, by operation of law an additional assignment of the unpaid obligation owed for the month in which the payment is made. The department shall take action to collect the unpaid obligation to reimburse itself and/or the federal government for the payment made.

NEW SECTION. Sec. 23. There is added to chapter 74.20A RCW a new section to read as follows:

While discharging its responsibilities to enforce the support obligations of responsible parents, the department shall respect the right of privacy of recipients of public assistance and of other persons. Any inquiry about sexual activity shall be limited to that necessary to resolve a genuine dispute about the parentage of a child. When a custodial mother has informed the department that a particular man is the father of her child, the department shall make no further inquiry into her personal life unless the man so identified has denied that he is the father of such child.

Sec. 24. Section 2, chapter 322, Laws of 1959 as last amended by section 364, chapter 141, Laws of 1979 and RCW 74.20.010 are each amended to read as follows:

It is the responsibility of the state of Washington through the state department of social and health services to conserve the expenditure of public assistance funds, whenever possible, in order that such funds shall not be expended if there are private funds available or which can be made available by judicial process or otherwise to partially or completely meet the financial needs of the children of this state. The failure of parents to provide adequate financial support and care for their children is a major cause of financial dependency and a contributing cause of social delinquency.

The purpose of this chapter is to provide the state of Washington, through the department of social and health services, a more effective and efficient way to effect the support of dependent children by the person or persons who, under the law, are primarily responsible for such support and to lighten the heavy burden of the taxpayer, who in many instances is paying toward the support of dependent children while those persons primarily responsible are avoiding their obligations. It is the intention of the legislature that the powers delegated to the said department in this chapter be liberally construed to the end that persons legally responsible for the care and support of children within the state be required to assume their legal obligations in order to reduce the financial cost to the state of Washington in providing public assistance funds for the care of children. It is the intention of the legislature that the department provide sufficient staff to carry out the purposes of this chapter, chapter 74.20A RCW, the abandonment and nonsupport statutes, and any applicable federal support enforcement statute administered by the department. It is also the intent of the legislature that the staff responsible for support enforcement be encouraged to conduct their support enforcement duties with fairness, courtesy, and the highest professional standards.

NEW SECTION. Sec. 25. There is added to chapter 74.20 RCW a new section to read as follows:

The department shall develop workload standards for each employee classification involved in support enforcement activities for each category of support enforcement cases. The department shall submit the workload standards and a preliminary forecast of the level of staffing required to meet the workload standards to the senate ways and means committee and the house of representatives revenue and appropriations committees six months before the regular legislative sessions and whenever this information is requested by the senate ways and means committee and the house of representatives revenue and appropriations committees.

NEW SECTION. Sec. 26. The following acts or parts of acts are each repealed:

- (1) Section 5, chapter 164, Laws of 1971 ex. sess., section 6, chapter 183, Laws of 1973 1st ex. sess. and RCW 74.20A.050; and
- (2) Section 27, chapter 183, Laws of 1973 1st ex. sess. (uncodified).

NEW SECTION. Sec. 27. The repeal of RCW 74.20A.050 and the amendment of RCW 74.20A.030 and 74.20A.250 by this 1979 act is not intended to affect any existing or accrued right, any action or proceeding already taken or instituted, any administrative action already taken, or any rule, regulation, or order already promulgated. The repeal and amendments are not intended to revive any law heretofore repealed.

NEW SECTION. Sec. 28. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the House April 25, 1979.

Passed the Senate April 19, 1979.

Approved by the Governor May 14, 1979.

Filed in Office of Secretary of State May 14, 1979.

CHAPTER 172

[Substitute House Bill No. 227]

SCHOOL DISTRICT LEVIES—MAXIMUM DOLLAR AMOUNTS—PROGRAMS

AN ACT Relating to revenue and taxation; amending section 4, chapter 325, Laws of 1977 ex. sess. and RCW 84.52.0531; creating new sections; declaring an emergency; and providing an effective date.

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

Section 1. Section 4, chapter 325, Laws of 1977 ex. sess. and RCW 84.52.0531 are each amended to read as follows:

The maximum dollar amount which may be levied by or for any school district for maintenance and operation support under the provisions of RCW 84.52.053 shall be as follows:

(1) ~~((For excess levies in 1977 for collection in 1978:~~

~~To the extent that any district receives funds through the state apportionment formula in excess of the amount anticipated by such a district when it established its excess levy for collection in 1978 and when such excess can be utilized to relieve special levy burdens, then such a district should place a first priority on reducing its special levy.~~

~~(2))~~ For excess levies in 1977 for collection in 1979; for excess levies in 1978 for collection in 1979 ~~((and thereafter))~~; for excess levies in 1978 for collection in 1980; and for excess levies in 1979 for collection in 1980, the sum of:

(a) That amount equal to ten percent of each school district's prior year basic education allocation converted to one hundred percent of formula; plus

(b) That amount equal to each school district's prior year basic education allocation converted to one hundred percent of formula minus each school district's basic education allocation for such school year.

(2) For excess levies in 1979 for collection in 1981, for excess levies in 1980 for collection in 1981 and thereafter, the sum of:

(a) That amount equal to ten percent of each school district's prior year basic education allocation converted to one hundred percent of formula; plus

(b) That amount equal to each school district's prior year basic education allocation converted to one hundred percent of formula minus each school district's basic education allocation for such school year; plus

(c) That amount equal to ten percent of each school district's prior year state allocation, exclusive of federal funds, for the following programs:

(i) Pupil transportation;

(ii) Handicapped education costs;

(iii) Gifted; and

(iv) Compensatory education, including but not limited to remediation assistance, bilingual education, and urban, rural, racial disadvantaged programs.

(3) Excess levies authorized under this ~~((1977 amendatory act))~~ section or under RCW 84.52.052 shall not be used directly or indirectly to increase the average ((compensation)) salary or fringe benefits for certificated or classified personnel in any school district: PROVIDED, That ((those school districts which receive state funds budgeted for a four percent increase in average compensation for certificated or classified personnel respectively shall be allowed to increase such certificated or classified compensation by an amount equal to the percentage increase in the prior year's United States Consumer Price Index minus the state funded four percent, or by an additional two percent, whichever is less: PROVIDED FURTHER, That any school district whose average compensation for certificated or classified personnel respectively is below state-wide average compensation level for certificated or classified personnel during the preceding school year, may collect and expend property taxes authorized by this 1977 amendatory act, or under RCW 84.52.052, for the purpose of increasing such district average compensation for certificated or classified personnel up to but not to exceed the state-wide average compensation for certificated or classified personnel for the preceding school year)) any school district may expend excess levy funds to provide increases in salary and fringe benefits for classified or certificated personnel whose salary and fringe benefits are provided wholly from local school district excess levies in a percentage not to exceed the respective average percentage increases in the salary and fringe benefit levels for classified and certificated employees of the district funded with state appropriated funds: PROVIDED FURTHER, That those contracts which have been negotiated prior to July 1, 1977 by those school districts

for such school year shall not be abrogated by this (~~(1977 amendatory act)~~) section. "Fringe benefits" for purposes of this subsection shall include:

- (a) Employer retirement contributions, if applicable;
- (b) Health and insurance payments including life, accident, disability, unemployment compensation, and workmen's compensation; and
- (c) Employer social security contributions.

(4) Any school district whose average base compensation for certificated or classified personnel respectively is below state-wide average base compensation level for certificated or classified personnel during the preceding school year, may collect and expend property taxes authorized by this section, or under RCW 84.52.052, for the purpose of increasing such district's average compensation for certificated or classified personnel as allowed in the latest applicable state operating budget. "Compensation", for purposes of this subsection, shall mean salary plus fringe benefits for classified and certificated personnel of a school district as allowed in the latest applicable state operating budget.

~~((4))~~ (5) For the purpose of ((the)) this section, the basic education allocation shall be determined pursuant to RCW 28A.41.130, 28A.41.140, and 28A.41.145, as now or hereafter amended: PROVIDED, That when determining the basic education allocation under subsections (1) and (2) of this section, effective September 1, 1979, nonresident full time equivalent pupils who are participating in a program provided for in chapter 28A.44 RCW or in any other program pursuant to an interdistrict agreement shall be included in the enrollment of the resident district and excluded from the enrollment of the serving district.

~~("Compensation" for the purposes of this 1977 amendatory act shall mean one hundred and seven percent of each school district's respective average salary for certificated personnel, and one hundred and fourteen percent of each school district's respective average salary for classified personnel.)~~

Certificated personnel shall include those persons employed by a school district in a teaching, instructional, administrative or supervisory capacity and who hold positions as certificated personnel as defined under RCW 28A.01.130, as now or hereafter amended, and every school district superintendent, and any person hired in any manner to fill a position designated as, or which is in fact, that of deputy superintendent or assistant superintendent. Classified personnel shall include those persons employed by a school district other than certificated personnel as defined in this section in a capacity for which certification is not required.

(6) For the purpose of subsections (1) and (2) of this section, the superintendent of public instruction may grant local school districts authority to exceed the levy limitations imposed by said subsections: PROVIDED, That said limitations can only be exceeded by an amount that will insure local school districts the ability to raise a total excess levy dollar amount per

annual average full time equivalent student which when combined with the basic education allocation is equal to but does not exceed one hundred and four percent for levies to be collected in 1979, and one hundred and six percent for levies to be collected in 1980 and thereafter of the previous school year's comparable dollars per annual average full time equivalent student: PROVIDED FURTHER, That for levies to be collected in 1980 and thereafter any school district receiving authority to exceed the levy limitation and whose enrollment is declining at a rate of at least four percent, or three hundred full time equivalent students, whichever is less, from the immediately preceding school year, may, in addition to the increase above, further increase its levy by an amount equal to fifty percent of the enrollment decline multiplied by the previous school year's comparable dollars per annual full time equivalent student. The provisions of this subsection (6) shall only apply to excess levies for collection prior to calendar year 1983.

(7) The superintendent of public instruction shall develop rules and regulations and inform school districts of the pertinent data necessary to carry out the provisions of this (~~(1977 amendatory act)~~) section.

NEW SECTION. Sec. 2. 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. 3. 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 on September 1, 1979.

Passed the House May 1, 1979.

Passed the Senate April 27, 1979.

Approved by the Governor May 14, 1979.

Filed in Office of Secretary of State May 14, 1979.

CHAPTER 173

[Substitute House Bill No. 367]

STATE BOARD OF EDUCATION—SCHOOL DISTRICT BOARDS—DUTIES

AN ACT Relating to the powers and duties of the state board of education; and amending section 28A.04.120, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 92, Laws of 1975-'76 2nd ex. sess. and RCW 28A.04.120; and amending section 28A.58.101, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 97, Laws of 1975-'76 2nd ex. sess. and RCW 28A.58.101.

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 92, Laws of 1975-'76 2nd 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, school administrator, and school specialized personnel certification offered by all institutions of higher education within the state which may be accredited and whose graduates may become entitled to receive such 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 such certification as provided for in subsection (1) above, and prepare a list of accredited institutions of higher education of this and other states whose graduates may be awarded such certificates.

(3) Supervise the issuance of such certificates as provided for in subsection (1) above 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)), subject to such accreditation standards and procedures as may be established by the state board of education, all schools that apply for accreditation, and approve, subject to the provisions of RCW 28A.02.201, private 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 list of accredited schools so long as secret societies are knowingly allowed to exist among its students by school officials: PROVIDED FURTHER, That the state board may elect to require all or certain classifications of the public schools to conduct and participate in such pre-accreditation examination and evaluation processes as may now or hereafter be established by the board.

(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, educational service district superintendents and the boards of directors of the common schools.

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

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

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

Sec. 2. Section 28A.58.101, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 97, Laws of 1975-'76 2nd ex. sess. and RCW 28A.58.101 are each amended to read as follows:

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

(1) Enforce the rules and regulations prescribed by the superintendent of public instruction and the state board of education for the government of schools, pupils, and certificated employees.

(2) Adopt and make available to each pupil, teacher and parent in the district reasonable written rules and regulations regarding pupil conduct, discipline, and rights, including but not limited to short-term and long-term suspensions. Such rules and regulations shall not be inconsistent with law or the rules and regulations of the superintendent of public instruction or the state board of education and shall include such substantive and procedural due process guarantees as prescribed by the state board of education under RCW 28A.04.132. Commencing with the 1976-77 school year, when such rules and regulations are made available to each pupil, teacher and parent, they shall be accompanied by a detailed description of rights, responsibilities and authority of teachers and principals with respect to the discipline of pupils as prescribed by state statutory law, superintendent of public instruction and state board of education rules and regulations and rules and regulations of the school district.

For the purposes of this subsection, computation of days included in "short-term" and "long-term" suspensions shall be determined on the basis of consecutive school days.

(3) Suspend, expel, or discipline pupils in accordance with RCW 28A.04.132.

Passed the House April 26, 1979.

Passed the Senate April 11, 1979.

Approved by the Governor May 14, 1979.

Filed in Office of Secretary of State May 14, 1979.

CHAPTER 174

[Substitute House Bill No. 437]

EDUCATIONAL CLINICS—STUDENT ELIGIBILITY—LEGISLATIVE REPORT

AN ACT Relating to educational clinics; amending section 2, chapter 341, Laws of 1977 ex. sess. and RCW 28A.97.020; amending section 4, chapter 341, Laws of 1977 ex. sess. and RCW 28A.97.040; creating new sections; and adding a new section to chapter 341, Laws of 1977 ex. sess. and to chapter 28A.97 RCW.

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

Section 1. Section 2, chapter 341, Laws of 1977 ex. sess. and RCW 28A.97.020 are each amended to read as follows:

Only eligible common school dropouts shall be enrolled in a certified educational clinic for reimbursement by the superintendent of public instruction as provided in RCW 28A.97.040. No person shall be considered an eligible common school dropout who (1) has completed high school, (2) who has not reached his or her thirteenth birthday or has passed his ((eighteenth)) or her twentieth birthday, or (3) shows proficiency beyond the high school level in a test approved by the superintendent of public instruction to be given as part of the initial diagnostic procedure, or (4) until ((three)) one month((s)) has passed after he or she has dropped out of any common school and the educational clinic has received written verification from a school official of the common school last attended in this state that such person is no longer in attendance at such school, unless such clinic has been requested to admit such person by written communication of the board of directors or ((the superintendent)) its designee, of that common school, or unless such person is unable to attend a particular common school because of disciplinary reasons, including suspension and/or expulsion therefrom. The fact that any person may be subject to chapter 28A.27 RCW shall not affect his or her qualifications as an eligible common school dropout under this chapter.

Sec. 2. Section 4, chapter 341, Laws of 1977 ex. sess. and RCW 28A.97.040 are each amended to read as follows:

From funds appropriated for that purpose, the superintendent of public instruction shall pay to a certified clinic on a monthly basis for each student enrolled in compliance with RCW 28A.97.020, fees in accordance with the following conditions:

(1) (a) The fee for the initial diagnostic procedure shall be not more than fifty dollars per student, and hourly fees for each student shall be sixteen dollars if the class size is no greater than one, ten dollars if the class size is at least two and no greater than five, and five dollars if the class size is at least six: **PROVIDED**, That revisions in such fees proposed by an education clinic shall become effective after thirty days notice unless the superintendent finds such a revision is unreasonable in which case the revision shall not take effect: **PROVIDED FURTHER**, That an education clinic may, within fifteen days after such a finding by the superintendent, file notification of appeal with the state board of education which shall, no later than its second regularly scheduled meeting following notification of such appeal, either grant or deny the proposed revision: **AND PROVIDED FURTHER**, That the administration of any general education development test shall not be a part of such initial diagnostic procedure.

(b) Reimbursements shall not be made for students who are absent (~~Absences will be paid for, but after three consecutive absences or two unexcused absences in any one week, the student's enrollment will be terminated and no further fees will be payable: PROVIDED, That students may be re-enrolled at any time~~).

(c) No clinic shall make any charge to any student, or his parent, guardian or custodian, for whom a fee is being received under the provisions of this section.

(2) Payments shall be made from available funds first to those clinic(s) which have in the judgment of the superintendent demonstrated superior performance based upon consideration of students' educational gains taking into account such students' backgrounds, and upon consideration of cost effectiveness. In considering the cost effectiveness of nonprofit clinics the superintendent shall take into account not only payments made under this section but also factors such as tax exemptions, direct and indirect subsidies or any other cost to taxpayers at any level of government which result from such nonprofit status.

(3) To be eligible for such payment, every such clinic, without prior notice, shall permit a review of its accounting records by personnel of the state auditor during normal business hours.

(4) If total funds for this purpose approach depletion, the superintendent shall notify the clinics of the date after which further funds for reimbursement of the clinics' services will be exhausted.

NEW SECTION. Sec. 3. There is added to chapter 341, Laws of 1977 ex. sess. and to chapter 28A.97 RCW a new section to read as follows:

The legislative budget committee shall prepare a report to the legislature before each regular session, detailing the fiscal impact of the several certified educational clinics receiving reimbursements from the state pursuant to the provisions of this chapter. The legislative budget committee shall require such clinics to furnish such information as it deems necessary to

meet the requirements of this section. Included within the information to be reported by the legislative budget committee on each clinic shall be the following:

- (1) The dollar amount of reimbursement received by the clinic from the state for each month available of the then current, and past, biennium;
- (2) An analysis of the cost per student, the progress they have achieved, and comparisons with other educational and institutional alternatives; and
- (3) A statement which identifies the owners of the clinic. In the case of profit or nonprofit corporations the officers, directors, and shareholders of record as of the close of the corporation's fiscal year shall be furnished.

NEW SECTION. Sec. 4. 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 House April 27, 1979.

Passed the Senate April 20, 1979.

Approved by the Governor May 14, 1979.

Filed in Office of Secretary of State May 14, 1979.

CHAPTER 175

[House Bill No. 622]

MUNICIPAL PUBLIC TRANSPORTATION MOTOR VEHICLE EXCISE TAX— BONDS RETIREMENT—STATE REMITTANCE OF REVENUES

AN ACT Relating to motor vehicle excise taxes; amending section 7, chapter 270, Laws of 1975 1st ex. sess. and RCW 35.58.2721; amending section 8, chapter 255, Laws of 1969 ex. sess. and RCW 35.58.273; amending section 14, chapter 255, Laws of 1969 ex. sess. and RCW 35.58.279; amending section 1, chapter 87, Laws of 1972 ex. sess. as amended by section 5, chapter 54, Laws of 1974 ex. sess. and RCW 82.44.150; providing an effective date; and declaring an emergency.

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

Section 1. Section 7, chapter 270, Laws of 1975 1st ex. sess. and RCW 35.58.2721 are each amended to read as follows:

In addition to any other authority now provided by law, and subject only to constitutional limitations, the governing body of any municipality shall be authorized to acquire, construct, operate, and maintain a public transportation system and additions and betterments thereto, and to issue general obligation bonds for public mass transportation capital purposes including but not limited to replacement of equipment: PROVIDED, That the general indebtedness incurred under this section when considered together with all the other outstanding general indebtedness of the municipality shall not exceed the amounts of indebtedness authorized by chapter 39.36 RCW and chapter 35.58 RCW, as now or hereafter amended, to be incurred without and with the assent of the voters.

Upon July 1, 1975 any such municipality is authorized to pledge that the taxes authorized, levied and collected to pay or secure the payment of any bonds issued after July 1, 1975 for authorized public transportation purposes shall continue to be levied, collected and applied until such bonds shall have been paid or sufficient funds for such payment shall have been duly provided and irrevocably set aside by the issuer for such payment. If any of the revenue from any tax or surcharge authorized by this or any other chapter shall have been pledged to secure the payment of any bonds as herein authorized, then as long as that pledge shall be in effect the legislature shall not withdraw the authority to levy and collect the tax. Any municipality is authorized to pledge for the payment or security of the principal of and interest on any bonds issued for authorized public transportation purposes all or any portion of any taxes authorized to be levied by the issuer, including, but not limited to, the local sales and use tax authorized pursuant to RCW 82.14.045 (~~and section 6 of this 1975 amendatory act~~), as now or hereafter amended(~~(, and)~~). The preceding sentence notwithstanding, not more than ten percent of the motor vehicle excise taxes levied and collected pursuant to RCW 35.58.273(~~(: PROVIDED, That such ten percent limitation shall not apply to any bonds outstanding on)~~) may be pledged for the payment or security of the principal of and interest on any bonds issued for authorized public transportation purposes after July 1, 1975 but before the effective date of sections 1 through 3 of this 1979 act, and no motor vehicle excise taxes may be pledged for bonds issued on or after the effective date of sections 1 through 3 of this 1979 act.

Sec. 2. Section 8, chapter 255, Laws of 1969 ex. sess. and RCW 35.58-.273 are each amended to read as follows:

On or after July 1, 1971, any municipality is authorized to levy and collect a special excise tax not exceeding one percent on the fair market value of every motor vehicle owned by a resident of such municipality for the privilege of using such motor vehicle provided that in no event shall the tax be less than one dollar and, subject to (~~the provisions of subsection (2) of~~) RCW 82.44.150(5) and (6), the amount of such tax shall be credited against the amount of the excise tax levied by the state under RCW 82.44-.020: PROVIDED, That before utilization of any excise tax moneys collected under authorization of this section for acquisition of right of way or construction of a mass transit facility on a separate right of way the municipality shall adopt rules affording the public an opportunity for "corridor public hearings" and "design public hearings" as herein defined, which rule shall provide in detail the procedures necessary for public participation in the following instances: (a) prior to adoption of location and design plans having a substantial social, economic or environmental effect upon the locality upon which they are to be constructed or (b) on such mass rapid transit systems operating on a separate right of way whenever a substantial change is proposed relating to location or design in the adopted plan. In

adopting rules the municipality shall adhere to the provisions of the Administrative Procedure Act.

A "corridor public hearing" is a public hearing that: (a) is held before the municipality is committed to a specific mass transit route proposal, and before a route location is established; (b) is held to afford an opportunity for participation by those interested in the determination of the need for, and the location of, the mass rapid transit system; (c) provides a public forum that affords a full opportunity for presenting views on the mass rapid transit system route location, and the social, economic and environmental effects on that location and alternate locations: **PROVIDED**, That such hearing shall not be deemed to be necessary before adoption of an overall mass rapid transit system plan by a vote of the electorate of the municipality.

A "design public hearing" is a public hearing that: (a) is held after the location is established but before the design is adopted; and (b) is held to afford an opportunity for participation by those interested in the determination of major design features of the mass rapid transit system; and (c) provides a public forum to afford a full opportunity for presenting views on the mass rapid transit system design, and the social, economic, environmental effects of that design and alternate designs.

Sec. 3. Section 14, chapter 255, Laws of 1969 ex. sess. and RCW 35-.58.279 are each amended to read as follows:

All taxes levied and collected under RCW 35.58.273 shall be credited to a special fund in the treasury of the municipality imposing such tax. Such taxes shall be levied and used solely for the purpose of paying all or any part of the cost of acquiring, constructing, equipping or operating a publicly owned mass transportation system, or contracting for the services thereof, or to pay or secure the payment of all or part of the principal of or interest on any general obligation bonds or revenue bonds issued for public transportation capital purposes and until withdrawn for use, the moneys accumulated in such fund or funds may be invested by the treasurer of such municipality in the manner authorized by the legislative body of the municipality.

If any of the revenue from any such special excise tax shall have been pledged by any municipality to secure the payment of any bonds as herein authorized, then as long as that pledge shall be in effect the legislature shall not withdraw from the municipality the authority to levy and collect the tax. ~~((Upon the effective date of this 1969 act))~~ After August 11, 1969, any municipality is authorized to pledge that the tax authorized by RCW 35-.58.273 shall be levied, collected and applied as provided ~~((in this 1969 act))~~ by law to pay or secure the payment of any bonds issued by such municipality after such ~~((effective))~~ date but before the effective date of sections 1 through 3 of this 1979 act for authorized public transportation purposes.

Sec. 4. Section 1, chapter 87, Laws of 1972 ex. sess. as amended by section 5, chapter 54, Laws of 1974 ex. sess. and RCW 82.44.150 are each amended to read as follows:

(1) The director of ~~((motor vehicles))~~ licensing 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))~~ licensing 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 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))~~ financial 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))~~ licensing shall make the following apportionment and distribution of motor vehicle excise 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 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.

(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) 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.

~~(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 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.))~~ 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 licensing, shall remit motor vehicle excise tax revenues imposed and collected under RCW 35.58.273 as follows:

(a) The amount required to be remitted by the state treasurer to the treasurer of any municipality levying the tax shall not exceed in any calendar year the amount of locally-generated tax revenues, excluding the excise tax imposed under RCW 35.58.273 for the purposes of this section, which shall have been budgeted by the municipality to be collected in such calendar 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 these purposes; and

(b) In no event may the amount remitted in a single calendar quarter exceed the amount collected on behalf of the municipality under RCW 35.58.273 during the calendar quarter next preceding the immediately preceding quarter.

(6) At the close of each calendar year accounting period, but not later than April 1, each municipality that has received motor vehicle excise taxes

under subsection (5) of this section shall transmit to the director of licensing and the state auditor a written report showing by source the previous year's budgeted tax revenues for public transportation purposes as compared to actual collections. Any municipality that has not submitted the report by April 1 shall cease to be eligible to receive motor vehicle excise taxes under subsection (5) of this section until the report is received by the director of licensing. If a municipality has received more or less money under subsection (5) of this section for the period covered by the report than it is entitled to receive by reason of its locally-generated collected tax revenues, the director of licensing shall, during the next ensuing quarter that the municipality is eligible to receive motor vehicle excise tax funds, increase or decrease the amount to be remitted in an amount equal to the difference between the locally-generated budgeted tax revenues and the locally-generated collected tax revenues. In no event may the amount remitted for a calendar year exceed the amount collected on behalf of the municipality under RCW 35.58.273 during that same calendar year. At the time of the next fiscal audit of each municipality, the state auditor shall verify the accuracy of the report submitted and notify the director of licensing of any discrepancies.

(7) The motor vehicle excise taxes imposed under RCW 35.58.273 and required to be remitted under this section shall be remitted without legislative appropriation.

(8) Any municipality levying and collecting a tax under RCW 35.58.273 which does not have an operating, public transit system or a contract for public transportation services in effect within one year from the initial effective date of the tax shall return to the state treasurer all motor vehicle excise taxes received under subsection (5) of this section.

NEW SECTION. Sec. 5. Sections 1 through 3 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.

NEW SECTION. Sec. 6. Section 4 of this act shall take effect on January 1, 1980.

Passed the House May 1, 1979.

Passed the Senate April 24, 1979.

Approved by the Governor May 14, 1979.

Filed in Office of Secretary of State May 14, 1979.

CHAPTER 176

[Substitute House Bill No. 665]

MOTOR VEHICLE OFFENSES INVOLVING ALCOHOL OR DRUGS—
PENALTIES—APPROPRIATION

AN ACT Relating to motor vehicle offenses involving alcohol or drugs; amending section 1, chapter 1, Laws of 1969 as last amended by section 151, chapter 158, Laws of 1979 and RCW 46.20.308; amending section 46.52.100, chapter 12, Laws of 1961 as last amended by section 163, chapter 158, Laws of 1979 and RCW 46.52.100; amending section 3, chapter 1, Laws of 1969 as amended by section 1, chapter 287, Laws of 1975 1st ex. sess. and RCW 46.61.506; amending section 62, chapter 155, Laws of 1965 ex. sess. as last amended by section 3, chapter 3, Laws of 1977 ex. sess. and RCW 46.61.515; amending section 5, chapter 122, Laws of 1972 ex. sess. and RCW 70.96A.050; adding new sections to chapter 46.61 RCW; defining crimes; prescribing penalties; and making an appropriation.

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

NEW SECTION. Section 1. There is added to chapter 46.61 RCW a new section to read as follows:

A person is guilty of driving while under the influence of intoxicating liquor or any drug if he drives a vehicle within this state while:

(1) He has 0.10 percent or more by weight of alcohol in his blood as shown by chemical analysis of his breath, blood, or other bodily substance made under RCW 46.61.506 as now or hereafter amended; or

(2) He is under the influence of or affected by intoxicating liquor or any drug; or

(3) He is under the combined influence of or affected by intoxicating liquor and any drug.

The fact that any person charged with a violation of this section is or has been entitled to use such drug under the laws of this state shall not constitute a defense against any charge of violating this section.

NEW SECTION. Sec. 2. There is added to chapter 46.61 RCW a new section to read as follows:

A person is guilty of being in actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug if he has actual physical control of a vehicle within this state while:

(1) He has a 0.10 percent or more by weight of alcohol in his blood as shown by chemical analysis of his breath, blood, or other bodily substance made under RCW 46.61.506, as now or hereafter amended; or

(2) He is under the influence of or affected by intoxicating liquor or any drug; or

(3) He is under the combined influence of or affected by intoxicating liquor and any drug.

The fact that any person charged with a violation of this section is or has been entitled to use such drug under the laws of this state shall not constitute a defense against any charge of violating this section. No person may be convicted under this section if, prior to being pursued by a law enforcement officer, he has moved the vehicle safely off the roadway.

Sec. 3. Section 1, chapter 1, Laws of 1969 as last amended by section 151, chapter 158, Laws of 1979 and RCW 46.20.308 are each amended to read as follows:

(1) Any person who operates a motor vehicle upon the public highways of this state shall be deemed to have given consent, subject to the provisions of RCW 46.61.506, to a chemical test or tests of his breath or blood for the purpose of determining the alcoholic content of his blood if arrested for any offense where, at the time of the arrest, the arresting officer has reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle while under the influence of intoxicating liquor. The test or tests shall be administered at the direction of a law enforcement officer having reasonable grounds to believe the person to have been driving or in actual physical control of a motor vehicle upon the public highways of this state while under the influence of intoxicating liquor. Such officer shall inform the person of his right to refuse the test, and of his right to have additional tests administered by any qualified person of his choosing as provided in RCW 46.61.506. The officer shall warn the driver that his privilege to drive will be revoked or denied if he refuses to submit to the test. Unless the person to be tested is unconscious, the chemical test administered shall be of his breath only: PROVIDED, That if an individual is under arrest for the crime of negligent homicide by motor vehicle as provided in RCW 46.61.520, or if an individual is under arrest for the crime of driving while under the influence of intoxicating liquor or drugs as provided in ((RCW 46.61.506)) section 1 of this 1979 act, which arrest results from an accident in which another person has been injured and there is a reasonable likelihood that such other person may die as a result of injuries sustained in the accident, a breath or blood test may be administered without the consent of the individual so arrested. In such circumstances, the provisions of subsections (2) through (6) of this section shall not apply.

(2) Any person who is dead, unconscious or who is otherwise in a condition rendering him incapable of refusal, shall be deemed not to have withdrawn the consent provided by subsection (1) of this section and the test or tests may be administered, subject to the provisions of RCW 46.61.506.

(3) If, following his arrest, the person arrested refuses upon the request of a law enforcement officer to submit to a chemical test of his breath, after being informed that his refusal will result in the revocation or denial of his privilege to drive, no test shall be given. The department of licensing, upon the receipt of a sworn report of the law enforcement officer that he had reasonable grounds to believe the arrested person had been driving or was in actual physical control of a motor vehicle upon the public highways of this state while under the influence of intoxicating liquor and that the person had refused to submit to the test upon the request of the law enforcement officer after being informed that such refusal would result in the revocation or denial of his privilege to drive, shall revoke his license or permit to drive or any nonresident operating privilege. If the person is a resident without a license or permit to operate a motor vehicle in this state, the department

shall deny to the person the issuance of a license or permit for a period of six months after the date of the alleged violation, subject to review as hereinafter provided.

(4) Upon revoking the license or permit to drive or the nonresident operating privilege of any person, or upon determining that the issuance of a license or permit shall be denied to the person, as hereinbefore in this section directed, the department shall immediately notify the person involved in writing by personal service or by registered or certified mail of its decision and the grounds therefor, and of his right to a hearing, specifying the steps he must take to obtain a hearing. The person upon receiving such notice may, in writing and within ten days therefrom request a formal hearing. Upon receipt of such request, the department shall afford him an opportunity for a hearing as provided in RCW 46.20.329 and 46.20.332. The scope of such hearing for the purposes of this section shall cover the issues of whether a law enforcement officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle upon the public highways of this state while under the influence of intoxicating liquor, whether the person was placed under arrest and whether he refused to submit to the test upon request of the officer after having been informed that such refusal would result in the revocation or denial of his privilege to drive. The department shall order that the revocation or determination that there should be a denial of issuance either be rescinded or sustained. Any decision by the department revoking a person's driving privilege shall be stayed and shall not take effect while a formal hearing is pending as herein provided or during the pendency of a subsequent appeal to superior court: PROVIDED, That this stay shall be effective only so long as there is no conviction for a moving violation during pendency of the hearing and appeal.

(5) If the revocation or determination that there should be a denial of issuance is sustained after such a hearing, the person whose license, privilege or permit is so affected shall have the right to file a petition in the superior court of the county wherein he resides, or, if a nonresident of this state, where the charge arose, to review the final order of revocation or denial by the department in the manner provided in RCW 46.20.334.

(6) When it has been finally determined under the procedures of this section that a nonresident's privilege to operate a motor vehicle in this state has been revoked, the department shall give information in writing of the action taken to the motor vehicle administrator of the state of the person's residence and of any state (~~(in which he has a license.))~~) in which he has a license.

Sec. 4. Section 46.52.100, chapter 12, Laws of 1961 as last amended by section 163, chapter 158, Laws of 1979 and RCW 46.52.100 are each amended to read as follows:

Every justice of the peace, police judge and clerk of superior court shall keep or cause to be kept a record of every traffic complaint, traffic citation or other legal form of traffic charge deposited with or presented to said justice of the peace, police judge, superior court or a traffic violations bureau, and shall keep a record of every official action by said court or its traffic violations bureau in reference thereto, including but not limited to a record of every conviction, forfeiture of bail, judgment of acquittal and the amount of fine or forfeiture resulting from every said traffic complaint or citation deposited with or presented to the justice of the peace, police judge, superior court or traffic violations bureau.

The Monday following the conviction or forfeiture of bail of a person upon a charge of violating any provisions of this chapter or other law regulating the operating of vehicles on highways, every said magistrate of the court or clerk of the court of record in which such conviction was had or bail was forfeited shall prepare and immediately forward to the director of licensing at Olympia an abstract of the record of said court covering the case in which said person was so convicted or forfeited bail, which abstract must be certified by the person so required to prepare the same to be true and correct. Report need not be made of any conviction involving the illegal parking or standing of a vehicle.

Said abstract must be made upon a form furnished by the director and shall include the name and address of the party charged, the number, if any, of his driver's or chauffeur's license, the registration number of the vehicle involved, the nature of the offense, the date of hearing, the plea, the judgment, or whether bail forfeited and the amount of the fine or forfeiture as the case may be.

Every court of record shall also forward a like report to the director upon the conviction of any person of manslaughter or other felony in the commission of which a vehicle was used.

The failure of any such judicial officer to comply with any of the requirements of this section shall constitute misconduct in office and shall be grounds for removal therefrom.

The director shall keep all abstracts received hereunder at his office in Olympia and the same shall be open to public inspection during reasonable business hours.

Venue in all justice courts shall be before one of the two nearest justices of the peace in incorporated cities and towns nearest to the point the violation allegedly occurred: PROVIDED, That in counties of class A and of the first class such cases may be tried in the county seat at the request of the defendant.

It shall be the duty of the officer, prosecuting attorney or city attorney signing the charge or information in any case involving a charge of driving

under the influence of intoxicating liquor or any (~~narcotic~~) drug immediately to make request to the director for an abstract of convictions and forfeitures which the director shall furnish.

~~((If a driver has a record of two or more convictions or forfeitures of the offense of operating a vehicle under the influence of or affected by the use of intoxicating liquor or any narcotic drug within a five year period, he shall, upon conviction, be fined not less than one hundred dollars and not more than one thousand dollars, and shall be sentenced to not less than thirty days and not more than one year in the county jail and neither fine nor sentence shall be suspended; and the court shall revoke the driver's license.))~~

If the driver at the time of the offense charged was without a driver's license because of a previous suspension or revocation, the minimum mandatory jail sentence and fine shall be ninety days in the county jail and a two hundred dollar fine. The penalty so imposed shall not be suspended.

Sec. 5. Section 3, chapter 1, Laws of 1969 as amended by section 1, chapter 287, Laws of 1975 1st ex. sess. and RCW 46.61.506 are each amended to read as follows:

(1) ~~((It is unlawful for any person who is under the influence of or affected by the use of intoxicating liquor or of any drug to drive or be in actual physical control of a vehicle within this state:~~

~~(2))~~ Upon the trial of any civil or criminal action or proceeding arising out of acts alleged to have been committed by any person while driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or any drug, if the amount of alcohol in the person's blood at the time alleged as shown by chemical analysis of his blood, breath, or other bodily substance ~~((shall give rise to the following presumptions:~~

~~(a) If there was at that time 0.05 percent or less by weight of alcohol in the person's blood, it shall be presumed that he was not under the influence of intoxicating liquor.~~

~~(b) If there was at that time in excess of 0.05 percent but) is less than 0.10 percent by weight of alcohol in the person's blood, ((such fact shall not give rise to any presumption that the person was or was not under the influence of intoxicating liquor, but such fact)) it is evidence that may be considered with other competent evidence in determining whether the person was under the influence of intoxicating liquor or any drug. ~~((c) If there was at that time 0.10 percent or more by weight of alcohol in the person's blood, it shall be presumed that he was under the influence of intoxicating liquor. (d))~~~~

(2) Percent by weight of alcohol in the blood shall be based upon milligrams of alcohol per one hundred cubic centimeters of blood. ~~((c))~~ The foregoing provisions of this section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question

whether the person was under the influence of intoxicating liquor or any drug.

(3) Chemical analysis of the person's blood or breath to be considered valid under the provisions of this section or section 1 or 2 of this 1979 act shall have been performed according to methods approved by the state toxicologist and by an individual possessing a valid permit issued by the state toxicologist for this purpose. The state toxicologist is directed to approve satisfactory techniques or methods, to supervise the examination of individuals to ascertain their qualifications and competence to conduct such analyses, and to issue permits which shall be subject to termination or revocation at the discretion of the state toxicologist.

(4) When a blood test is administered under the provisions of RCW 46.20.308, the withdrawal of blood for the purpose of determining its alcoholic content may be performed only by a physician, a registered nurse, or a qualified technician. This limitation shall not apply to the taking of breath specimens.

(5) The person tested may have a physician, or a qualified technician, chemist, registered nurse, or other qualified person of his own choosing administer a chemical test or tests in addition to any administered at the direction of a law enforcement officer. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test or tests taken at the direction of a law enforcement officer.

(6) Upon the request of the person who shall submit to a chemical test or tests at the request of a law enforcement officer, full information concerning the test or tests shall be made available to him or his attorney.

Sec. 6. Section 62, chapter 155, Laws of 1965 ex. sess. as last amended by section 3, chapter 3, Laws of 1977 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 drug to a degree which renders the driver incapable of safely driving a motor vehicle))~~ section 1 or 2 of this 1979 act shall be punished by imprisonment for not less than (~~(five)~~) one day(s) nor more than one year, and by a fine of not (~~(less than fifty dollars nor)~~) more than five hundred dollars. The person shall, in addition, be required to complete a course at an alcohol information school approved by the department of social and health services. One day of the jail sentence shall not be suspended or deferred unless the judge finds that the imposition of the jail sentence will pose a risk to the defendant's physical or mental well-being. Whenever the mandatory jail sentence is suspended or deferred, the judge must state, in writing, the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based.

(2) On a second or subsequent conviction ((of either offense)) under section 1 or 2 of this 1979 act within a five year period ((he)) a person shall

be punished by imprisonment for not less than ~~((thirty))~~ seven 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 not 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))~~ or deferred unless the judge finds that the imposition of the jail sentence will pose a risk to the defendant's physical or mental well-being. Whenever the mandatory jail sentence is suspended or deferred, the judge must state, in writing, the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based. 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 or deferred.

In addition to any nonsuspendable and nondeferrable jail sentence required by this subsection, the court shall sentence a person to a term of imprisonment not exceeding one hundred eighty days and shall suspend but shall not defer the sentence for a period not exceeding two years. The suspension of the sentence may be conditioned upon nonrepetition, alcohol or drug treatment, supervised probation, or other conditions that may be appropriate. The sentence may be imposed in whole or in part upon violation of a condition of suspension during the suspension period.

~~((2))~~ (3) 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))~~ (4) Notwithstanding the provisions contained in chapters 3.16, 3.46, 3.50, 3.62, or 35.20 RCW, or any other section of law, the penalty

assessment provided for in subsection ~~((2))~~ (3) 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))~~ (3) of this section.

~~((4))~~ (5) The license or permit to drive or any nonresident privilege of any person convicted of either of the offenses named in ~~((subsection (1) above))~~ section 1 or 2 of this 1979 act shall:

(a) On the first conviction under either such offense, be suspended by the department for not less than thirty days: PROVIDED, That the court may recommend that no suspension action be taken;

(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.

~~((5))~~ (6) 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.

(7) The provisions of this section limiting the authority of a court to defer or suspend a sentence shall not take effect until January 1, 1980. The division of criminal justice, no later than December 31, 1980, shall submit a study to the house of representatives and to the senate which details the impact of the sentencing provisions established by this section. The impact study shall include, but shall not be limited to, the following information: The impact of the provisions upon county jail conditions and bed space, the cost impact of the provisions upon local and state governments, and the existence of alternative facilities to which individuals sentenced under this section may be committed.

Sec. 7. Section 5, chapter 122, Laws of 1972 ex. sess. and RCW 70-96A.050 are each amended to read as follows:

The department shall:

(1) Develop, encourage, and foster state-wide, regional, and local plans and programs for the prevention of alcoholism and treatment of alcoholics, persons incapacitated by alcohol, and intoxicated persons in cooperation with public and private agencies, organizations, and individuals and provide technical assistance and consultation services for these purposes;

(2) Coordinate the efforts and enlist the assistance of all public and private agencies, organizations, and individuals interested in prevention of alcoholism and treatment of alcoholics, persons incapacitated by alcohol, and intoxicated persons;

(3) Cooperate with public and private agencies in establishing and conducting programs to provide treatment for alcoholics, persons incapacitated by alcohol, and intoxicated persons who are clients of the correctional system.

(4) Cooperate with the superintendent of public instruction, state board of education, schools, police departments, courts, and other public and private agencies, organizations and individuals in establishing programs for the prevention of alcoholism and treatment of alcoholics, persons incapacitated by alcohol, and intoxicated persons, and preparing curriculum materials thereon for use at all levels of school education;

(5) Prepare, publish, evaluate, and disseminate educational material dealing with the nature and effects of alcohol;

(6) Develop and implement, as an integral part of treatment programs, an educational program for use in the treatment of alcoholics, persons incapacitated by alcohol, and intoxicated persons, which program shall include the dissemination of information concerning the nature and effects of alcohol;

(7) Organize and foster training programs for persons engaged in treatment of alcoholics, persons incapacitated by alcohol, and intoxicated persons;

(8) Sponsor and encourage research into the causes and nature of alcoholism and treatment of alcoholics, persons incapacitated by alcohol, and intoxicated persons, and serve as a clearing house for information relating to alcoholism;

(9) Specify uniform methods for keeping statistical information by public and private agencies, organizations, and individuals, and collect and make available relevant statistical information, including number of persons treated, frequency of admission and readmission, and frequency and duration of treatment;

(10) Advise the governor in the preparation of a comprehensive plan for treatment of alcoholics, persons incapacitated by alcohol, and intoxicated persons for inclusion in the state's comprehensive health plan;

(11) Review all state health, welfare, and treatment plans to be submitted for federal funding under federal legislation, and advise the governor on provisions to be included relating to alcoholism, persons incapacitated by alcohol, and intoxicated persons;

(12) Assist in the development of, and cooperate with, alcohol education and treatment programs for employees of state and local governments and businesses and industries in the state;

(13) Utilize the support and assistance of interested persons in the community to encourage alcoholics voluntarily to undergo treatment;

(14) Cooperate with public and private agencies in establishing and conducting programs designed to deal with the problem of persons operating motor vehicles while intoxicated;

(15) Encourage general hospitals and other appropriate health facilities to admit without discrimination alcoholics, persons incapacitated by alcohol, and intoxicated persons and to provide them with adequate and appropriate treatment; ~~((and))~~

(16) Encourage all health and disability insurance programs to include alcoholism as a covered illness; and

(17) Organize and sponsor a state-wide program to help court personnel, including judges, better understand the disease of alcoholism and the uses of alcoholism treatment programs.

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. There is hereby appropriated ten thousand dollars to the department of social and health services to study the problem of abuse of alcohol by drivers and to report to the legislature in 1981.

Passed the House April 27, 1979.

Passed the Senate April 25, 1979.

Approved by the Governor May 14, 1979.

Filed in Office of Secretary of State May 14, 1979.

CHAPTER 177

[House Bill No. 668]

EMPLOYMENT SECURITY DEPARTMENT—RECORDS ACCESS— EMPLOYEES' INVENTIONS, PROTECTION OF RIGHTS

AN ACT Relating to the employment security department records; and amending section 6, chapter 153, Laws of 1977 ex. sess. and RCW 50.13.060; and adding new sections to chapter 49.44 RCW.

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

Section 1. Section 6, chapter 153, Laws of 1977 ex. sess. and RCW 50.13.060 are each amended to read as follows:

(1) Governmental agencies, including law enforcement agencies, prosecuting agencies, and the executive branch, whether state, local, or federal shall have access to information or records deemed private and confidential under this chapter if the information or records are needed by the agency for official purposes and:

(a) The agency submits an application in writing to the employment security department for the records or information containing a statement of the official purposes for which the information or records are needed and specific identification of the records or information sought from the department; and

(b) The director, commissioner, chief executive, or other official of the agency has verified the need for the specific information in writing either on the application or on a separate document; and

(c) The agency requesting access has served a copy of the application for records or information on the individual or employing unit whose records or information are sought and has provided the department with proof of service. Service shall be made in a manner which conforms to the civil rules for superior court. The requesting agency shall include with the copy of the application a statement to the effect that the individual or employing unit may contact the public records officer of the employment security department to state any objections to the release of the records or information. The employment security department shall not act upon the application of the requesting agency until at least five days after service on the concerned individual or employing unit. The employment security department shall consider any objections raised by the concerned individual or employing unit in deciding whether the requesting agency needs the information or records for official purposes.

(2) The requirements of subsections (1) and (7) of this section shall not apply to the state legislative branch. The state legislature shall have access to information or records deemed private and confidential under this chapter, if the legislature or a legislative committee finds that the information or records are necessary and for official purposes. If the employment security department does not make information or records available as provided in this subsection, the legislature may exercise its authority granted by chapter 44.16 RCW.

(3) In cases of emergency the governmental agency requesting access shall not be required to formally comply with the provisions of subsection (1) of this section at the time of the request if the procedures required by subsection (1) of this section are complied with by the requesting agency following the receipt of any records or information deemed private and confidential under this chapter. An emergency is defined as a situation in which irreparable harm or damage could occur if records or information are not released immediately.

(4) The requirements of subsection (1)(c) of this section shall not apply to governmental agencies where the procedures would frustrate the investigation of possible violations of criminal laws.

(5) Governmental agencies (~~may~~) shall have access to certain records or information, (~~strictly~~) limited to such items as names, addresses, social security numbers, and general information about benefit entitlement or employer information possessed by the department, for comparison purposes with records or information possessed by the requesting agency to detect improper or fraudulent claims, or to determine potential tax liability or employer compliance with registration and licensing requirements. In those

cases the governmental agency shall not be required to comply with subsection (1)(c) of this section, but the remainder of that section must be satisfied.

(6) Disclosure to governmental agencies of information or records obtained by the employment security department from the federal government shall be governed by any applicable federal law or any agreement between the federal government and the employment security department where so required by federal law. When federal law does not apply to the records or information state law shall control.

(7) The disclosure of any records or information by a governmental agency which has obtained the records or information under this section is prohibited unless the disclosure is directly connected to the official purpose for which the records or information were obtained.

NEW SECTION. Sec. 2. There is added to chapter 49.44 RCW a new section to read as follows:

(1) A provision in an employment agreement which provides that an employee shall assign or offer to assign any of the employee's rights in an invention to the employer does not apply to an invention for which no equipment, supplies, facilities, or trade secret information of the employer was used and which was developed entirely on the employee's own time, unless (a) the invention relates (i) directly to the business of the employer, or (ii) to the employer's actual or demonstrably anticipated research or development, or (b) the invention results from any work performed by the employee for the employer. Any provision which purports to apply to such an invention is to that extent against the public policy of this state and is to that extent void and unenforceable.

(2) An employer shall not require a provision made void and unenforceable by subsection (1) of this section as a condition of employment or continuing employment.

(3) If an employment agreement entered into after the effective date of this act contains a provision requiring the employee to assign any of the employee's rights in any invention to the employer, the employer must also, at the time the agreement is made, provide a written notification to the employee that the agreement does not apply to an invention for which no equipment, supplies, facility, or trade secret information of the employer was used and which was developed entirely on the employee's own time, unless (a) the invention relates (i) directly to the business of the employer, or (ii) to the employer's actual or demonstrably anticipated research or development, or (b) the invention results from any work performed by the employee for the employer.

NEW SECTION. Sec. 3. There is added to chapter 49.44 RCW a new section to read as follows:

Even though the employee meets the burden of proving the conditions specified in section 2 of this act, the employee shall, at the time of employment or thereafter, disclose all inventions being developed by the employee, for the purpose of determining employer or employee rights. The employer or the employee may disclose such inventions to the Department of Employment Security, and the department shall maintain a record of such disclosures for a minimum period of five years.

Passed the House April 27, 1979.

Passed the Senate April 24, 1979.

Approved by the Governor May 14, 1979.

Filed in Office of Secretary of State May 14, 1979.

CHAPTER 178

[Substitute House Bill No. 755]

ABANDONED VEHICLES—REMOVAL, STORAGE, DISPOSAL

AN ACT Relating to motor vehicles; amending section 3, chapter 42, Laws of 1969 ex. sess. and RCW 46.52.102; amending section 39, chapter 281, Laws of 1969 ex. sess. as amended by section 164, chapter ... (House Bill No. 849), Laws of 1979 and RCW 46.52.104; amending section 4, chapter 42, Laws of 1969 ex. sess. as amended by section 40, chapter 281, Laws of 1969 ex. sess. and RCW 46.52.106; amending section 5, chapter 42, Laws of 1969 ex. sess. as last amended by section 165, chapter ... (House Bill No. 849), Laws of 1979 and RCW 46.52.108; amending section 46.52.110, chapter 12, Laws of 1961 as last amended by section 166, chapter ... (House Bill No. 849), Laws of 1979 and RCW 46.52.110; amending section 7, chapter 42, Laws of 1969 ex. sess. as last amended by section 167, chapter ... (House Bill No. 849), Laws of 1979 and RCW 46.52.111; amending section 8, chapter 42, Laws of 1969 ex. sess. as last amended by section 168, chapter ... (House Bill No. 849), Laws of 1979 and RCW 46.52.112; amending section 9, chapter 42, Laws of 1969 ex. sess. as amended by section 169, chapter ... (House Bill No. 849), Laws of 1979 and RCW 46.52.113; amending section 10, chapter 42, Laws of 1969 ex. sess. and RCW 46.52.114; amending section 2, chapter 42, Laws of 1969 ex. sess. as last amended by section 170, chapter ... (House Bill No. 849), Laws of 1979 and RCW 46.52.115; amending section 11, chapter 42, Laws of 1969 ex. sess. as amended by section 171, chapter ... (House Bill No. 849), Laws of 1979 and RCW 46.52.116; amending section 1, chapter 111, Laws of 1971 ex. sess. and RCW 46.52.145; amending section 2, chapter 111, Laws of 1971 ex. sess. as amended by section 174, chapter ... (House Bill No. 849), Laws of 1979 and RCW 46.52.150; amending section 64, chapter 155, Laws of 1965 ex. sess. as amended by section 2, chapter 24, Laws of 1977 and RCW 46.61.560; amending section 65, chapter 155, Laws of 1965 ex. sess. as amended by section 4, chapter 167, Laws of 1977 ex. sess. and RCW 46.61.565; amending section 5, chapter 167, Laws of 1977 ex. sess. and RCW 46.61.567; adding new sections to chapter 46.52 RCW; adding a new section to chapter 46.61 RCW; prescribing penalties; and declaring an emergency.

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

NEW SECTION. Section 1. There is added to chapter 46.61 RCW and codified within the subchapter "Stopping, Standing, and Parking" a new section to read as follows:

It is unlawful for the operator of a vehicle to leave the vehicle unattended within the limits of any highway unless the operator of the vehicle arranges for the prompt removal of the vehicle.

NEW SECTION. Sec. 2. There is added to chapter 46.52 RCW a new section to read as follows:

A law enforcement officer discovering an apparently abandoned vehicle or abandoned vehicle hulk shall attach to the vehicle a readily visible notification sticker. The sticker shall contain the following information:

- (1) The date and time the sticker was attached;
- (2) The identity of the officer;
- (3) A statement that if the vehicle is not removed within twenty-four hours from the time the sticker is attached, the vehicle may be taken into custody and stored at the owner's expense; and
- (4) The address and telephone number where additional information may be obtained.

If the vehicle has current Washington registration plates, the officer shall check the records to learn the identity of the last owner of record. The officer or his department shall make a reasonable effort to contact the owner by telephone in order to give the owner the information on the notification sticker.

NEW SECTION. Sec. 3. There is added to chapter 46.52 RCW a new section to read as follows:

If the vehicle or hulk is not removed within twenty-four hours from the time the notification sticker is attached, the law enforcement officer may take custody of the vehicle or hulk and provide for the vehicle or hulk's removal to a place of safety.

For the purposes of this section a place of safety includes the business location of a registered disposer.

NEW SECTION. Sec. 4. There is added to chapter 46.52 RCW a new section to read as follows:

(1) When a vehicle or hulk is impounded pursuant to RCW 46.61.565 or section 3 of this 1979 act, the governmental agency at whose direction the impoundment was effected shall, within twenty-four hours after the impoundment, mail notification of the impoundment to the last registered owner and the legal owner of the vehicle as shown on the records of the department or as otherwise reasonably ascertainable. The notification shall contain a certificate of mailing and shall inform the registered owner of the impoundment, redemption procedures, and opportunity for a hearing to contest the basis for the impoundment. The notice need not be mailed if the vehicle is redeemed prior to the mailing of the notice or if the registered owner and the legal owner are not reasonably ascertainable.

Upon impoundment of a vehicle pursuant to this section, the law enforcement officer shall also provide the registered disposer with the name and address of the last registered owner and legal owner of the vehicle as may be shown by the records of the department or as otherwise reasonably ascertainable.

(2) The notification provided for in this section shall inform the registered owner that any hearing request shall be directed to the district court for the justice court district in which the vehicle was impounded and shall be accompanied by a form to be utilized for the purpose of requesting a hearing. Any request for a hearing pursuant to this section shall be made in writing on the form provided for that purpose and must be received by the district court within ten days of the date the notification provided for in this section was mailed. If the hearing request is not received by the district court within the ten-day period, the right to a hearing is waived and the registered owner shall be liable for any towing, storage, or other impoundment charges permitted under this chapter. Upon receipt of a timely hearing request, the district court shall proceed to hear and determine the validity of the impoundment.

(3) If the registered owner timely requests a hearing provided for by this section and prevails at the hearing, the unit of government under whose jurisdiction the impoundment was effected shall be liable for any towing, storage, or other impoundment charges permitted under this chapter.

(4) Removal and storage of a vehicle or hulk under sections 2 through 4 of this 1979 act or under RCW 46.61.565 shall be at the owner's expense, except as provided in RCW 46.52.104, 46.52.106, and subsection (3) of this section.

(5) The department may adopt rules providing that the owner's vehicle license will not be renewed or a new vehicle license issued to the owner unless any outstanding removal and storage charges are paid.

NEW SECTION. Sec. 5. There is added to chapter 46.52 RCW a new section to read as follows:

When a vehicle or hulk is impounded pursuant to sections 2 through 4 of this 1979 act or RCW 46.61.565 and the registered owner has made a timely request for a hearing, the registered owner may regain possession of the vehicle pending the outcome of the hearing by posting a sufficient cash bond to be held in trust by the registered disposer or such other security as the department may by rule require.

NEW SECTION. Sec. 6. There is added to chapter 46.52 RCW a new section to read as follows:

(1) Any person shall be guilty of a misdemeanor who:

(a) Conducts or attempts to conduct a sale of or sells an abandoned vehicle or abandoned vehicle hulk pursuant to RCW 46.52.111 and 46.52.112 without being properly registered as a registered abandoned vehicle disposer; or

(b) Removes a vehicle from private property pursuant to law and fails to notify the appropriate law enforcement agency of such removal.

(2) Any person who knowingly makes a false statement in any document prepared in connection with the disposition of an abandoned vehicle or

abandoned vehicle hulk pursuant to this chapter shall be guilty of a gross misdemeanor.

Sec. 7. Section 3, chapter 42, Laws of 1969 ex. sess. and RCW 46.52-.102 are each amended to read as follows:

(1) An "abandoned vehicle" for the purposes of this chapter shall mean any vehicle left within the limits of any highway or upon the property of another without the consent of the owner of such property for a period of twenty-four hours(;) or longer, except that a vehicle shall not be considered abandoned if its owner or operator is unable to remove it from the place where it is located and so notifies law enforcement officials and requests assistance.

(2) An "abandoned (~~automobile~~) vehicle hulk" for the purposes of this chapter shall mean the abandoned remnant or remains of a motor vehicle which is inoperative and cannot be made mechanically operative without the addition of vital parts or mechanisms and the application of a substantial amount of labor to effect repairs.

(3) A "registered abandoned vehicle disposer" or a "registered disposer" means any currently licensed tow truck operator, garage keeper, or other person engaged in the business of removing, storing, or disposing of vehicles, abandoned vehicles, or abandoned vehicle hulks, including vehicles or hulks removed pursuant to RCW 46.61.565 and section 3 of this 1979 act, and who is properly registered and licensed pursuant to RCW 46.52.108 as now or hereafter amended.

Sec. 8. Section 39, chapter 281, Laws of 1969 ex. sess. as amended by section 164, chapter ... (House Bill No. 849), Laws of 1979 and RCW 46-.52.104 are each amended to read as follows:

A registered owner transferring a motor vehicle shall be relieved from personal liability under RCW 46.52.106, 46.52.111, 46.52.112 (~~and~~), 46-.52.117, and section 4 of this 1979 act if within five days of the transfer he transmits to the department of licensing, on a form prescribed by the director of licensing, notice that he has transferred his interest in the vehicle, the name of the transferee, and the date on which the transaction was made.

Sec. 9. Section 4, chapter 42, Laws of 1969 ex. sess. as amended by section 40, chapter 281, Laws of 1969 ex. sess. and RCW 46.52.106 are each amended to read as follows:

~~((The abandonment of))~~ When any vehicle or (~~automobile~~) hulk (~~shall constitute~~) is left on the highway such that the vehicle or hulk may be removed under sections 2 through 4 of this 1979 act or RCW 46.61.565 there is a prima facie presumption that the last owner of record is responsible for such (~~abandonment~~) action and thus liable for any costs incurred in removing, storing and disposing of such (~~motor~~) vehicle or (~~automobile~~) hulk. A registered owner who has complied with the requirements of

RCW 46.52.104 in the transfer of ownership of the vehicle or hulk shall be relieved of liability under this section and under section 4 of this 1979 act.

Sec. 10. Section 5, chapter 42, Laws of 1969 ex. sess. as last amended by section 165, chapter ... (House Bill No. 849), Laws of 1979 and RCW 46.52.108 are each amended to read as follows:

~~((The director of licensing may appoint any tow truck operator engaged in removing and storing of abandoned motor vehicles for the purpose of disposing of certain abandoned vehicles and automobile hulks. Each such appointment shall be contingent upon the submission of an application to the director and the making of subsequent reports in such form and frequency as may be required by rule and regulation and upon the posting of a surety bond in the amount of three thousand dollars to ensure compliance with RCW 46.52.111 and to compensate the owner of any vehicle that has been unlawfully sold as a result of any negligence or misconduct of the tow truck operator.~~

~~Any appointment may be canceled by the director upon evidence that the appointed tow truck operator is not complying with all laws, rules and regulations relative to the handling and disposition of abandoned motor vehicles:))~~

(1) Any registered disposer as defined in this chapter who engages in removing, storing, or disposing of vehicles, abandoned vehicles, or abandoned vehicle hulks without having first applied for and received a registration certificate from the department of licensing authorizing him to engage in such activities is guilty of a gross misdemeanor.

(2) Application for an abandoned vehicle disposer registration shall be made on forms furnished by the department of licensing and shall be signed by the applicant or his agent and shall include the following information:

(a) Name and address of the person, firm, partnership, association, or corporation under the name the business is to be conducted;

(b) Names and addresses of all persons having an interest in the business, or if the owner is a corporation, the names and addresses of the officers of the corporation; and

(c) A certificate of approval from either the chief of police of any city or town having a population over five thousand persons or, in all other instances, from a member of the Washington state patrol certifying that:

(i) The applicant has an established place of business at the address shown on the application;

(ii) The place of business has adequate and secure storage facilities accessible to the public where vehicles and their contents can be properly stored and protected; and

(iii) Any other information the department may require.

(3) Before issuing a license to a registered disposer the department shall require the applicant to file with the department a surety bond in the amount of three thousand dollars running to the state and executed by a

surety company authorized to do business in the state. Such bonds shall be approved as to form by the attorney general and conditioned that such registered disposer shall conduct his business in conformity with the provisions of this chapter pertaining to vehicles, abandoned vehicles, or abandoned vehicle hulks, and to compensate any person, company, or the state for failure to comply with this chapter, or for fraud, negligence, or misrepresentation in the handling of these vehicles. Injured parties shall have the right to institute an action for recovery against the registered disposer and the surety upon the bond. Successive recoveries against the bond shall be permitted but the aggregate liability of the surety to all persons shall in no event exceed the amount of the bond. Upon exhaustion of the penalty of the bond or cancellation of the bond by the surety, the registration of the disposer shall automatically be canceled.

(4) (a) Each original application shall be accompanied by a fee of five dollars. If the application is approved the department shall forward the fee to the state treasurer for deposit in the motor vehicle fund. The department shall forward a license to the registered disposer which shall be prominently displayed to signify that he is authorized to do business as a registered disposer.

(b) A license issued to a registered disposer shall remain in force until suspended, revoked, canceled for bond expiration, or canceled for insurance expiration.

(c) Whenever a registered disposer has had a bond or insurance canceled, a license suspended or revoked, or has ceased to do business, the license shall be immediately surrendered to the department.

(5) Each registered disposer shall carry insurance in such amount proportional to the size of the registered disposer's business as the department may by rule require to protect against vehicle damage, including but not limited to fire and theft, from the time a vehicle comes into his custody until it is sold or reclaimed. Each registered disposer shall also carry at least fifty thousand dollars of liability insurance for property damage or bodily injury.

(6) The director may by order suspend or revoke the license for any registration as a registered disposer if he finds that the registrant has not complied with or is not complying with any law, rule, or regulation relative to the handling or disposition of vehicles, abandoned vehicles, or abandoned vehicle hulks, or has been adjudged guilty of violating any such law, rule, or regulation. For the purpose of this section, the term adjudged guilty means, in addition to a final conviction in either a state or municipal court, an unvacated forfeiture of bail or collateral deposited to secure a defendant's appearance in court, the payment of a fine, a plea of guilty, or a finding of guilt regardless of whether the imposition of sentence is deferred or the penalty is suspended.

(7) Any ~~((tow truck operator))~~ registered disposer under contract to a city or county for the impounding of vehicles shall comply with such administrative regulations relative to the handling and disposing of vehicles as may be promulgated by such city or county and as hereinafter set forth.

Sec. 11. Section 46.52.110, chapter 12, Laws of 1961 as last amended by section 166, chapter ... (House Bill No. 849), Laws of 1979 and RCW 46.52.110 are each amended to read as follows:

It shall be the duty of the sheriff of every county, the chief of police or chief police officer of every incorporated city and town of this state, constables, and members of the Washington state patrol to report immediately to the chief of the Washington state patrol all motor vehicles reported to them as stolen or recovered, upon forms to be provided by the chief of the Washington state patrol.

In the event that any motor vehicle reported as stolen has been recovered, the person so reporting the same as stolen shall be guilty of a misdemeanor unless he shall report the recovery thereof to the sheriff, chief of police, or other chief police officer to whom such motor vehicle was reported as stolen.

Upon receipt of such information the chief of the Washington state patrol shall ~~((file))~~ enter the ~~((same))~~ information in a "stolen vehicle index". He shall also ~~((file))~~ enter any reports of vehicles stolen in other states and reported to him as such. It shall be the duty of the chief of the Washington state patrol to keep a ~~((file))~~ record of all vehicles reported to him as recovered.

~~((The chief of the Washington state patrol shall publish at least once a month a list of all vehicles reported as stolen and not reported as having been recovered and all abandoned vehicles and forward a copy of such list to every sheriff in this state, the chief of police or chief police officer of every incorporated city and town with a population in excess of three thousand inhabitants, each member of the Washington state patrol and the cognizant state officer of each state in the United States.))~~

Such information shall be provided by the chief of the Washington state patrol for the use of the director of licensing as will permit the director to check the motor or serial number set forth in any application for certificate of ownership or certificate of license registration against such "stolen vehicle index" and no such certificates shall be issued upon any vehicle recorded as stolen and the director shall immediately inform the chief of the Washington state patrol of any application upon any such vehicle.

It shall be the duty of the sheriff of every county, the chief of police or chief police officer of each incorporated city and town, members of the Washington state patrol and constables to report to the chief of the Washington state patrol all vehicles or ~~((automobile))~~ vehicle hulks found abandoned on a public highway or at any other place and the same shall thereafter, at the direction of such law enforcement officer, be ~~((placed in~~

~~the custody of a tow truck operator))~~ disposed of as provided in this chapter.

Sec. 12. Section 7, chapter 42, Laws of 1969 ex. sess. as last amended by section 167, chapter ... (House Bill No. 849), Laws of 1979 and RCW 46.52.111 are each amended to read as follows:

~~((Such tow truck operator))~~ (1) A registered disposer shall take custody of ~~((such abandoned))~~ any vehicle or ~~((automobile))~~ hulk(;) placed in his custody by a law enforcement officer pursuant to RCW 46.61.565 or section 3 of this 1979 act and shall remove the ~~((same))~~ vehicle or hulk to the established place of business of the ~~((tow truck operator))~~ registered disposer where the ~~((same))~~ vehicle or hulk shall be stored, and ~~((such tow truck operator))~~ the registered disposer shall have a lien upon ~~((such))~~ the vehicle or hulk for services provided in the towing and storage of the ~~((same))~~ vehicle or hulk, ~~((and))~~ unless the impoundment is determined to have been invalid. However the lien does not apply to personal property in or upon the vehicle which personal property is not permanently attached to or is not an integral part of the vehicle. The registered disposer shall also have a claim against the last registered owner of ~~((such))~~ the vehicle or hulk for services provided in the towing and storage of the ~~((same))~~ vehicle or hulk, not to exceed the sum of ~~((one))~~ two hundred dollars, unless the removal is determined to be invalid. A registered owner who has complied with RCW 46.52.104 in the transfer of ownership of the vehicle or hulk shall be relieved of liability under this section.

(2) Within ~~((five days))~~ twenty-four hours after receiving custody of ~~((such abandoned))~~ the vehicle or ~~((automobile))~~ hulk from the law enforcement officer, the ~~((tow truck operator))~~ registered disposer shall give notice of his custody to the department of licensing and the ~~((chief of the))~~ Washington state patrol ~~((and))~~. If a vehicle impounded from private property pursuant to this chapter is in the custody of a registered disposer and remains unclaimed after seventy-two hours, the registered disposer shall without undue delay give notice of his custody to the department. The department shall supply the last known names and addresses of registered and legal owners of the vehicles as the names and addresses appear on the records of the department to the registered disposer on request without charge in those cases where the information was not given to the registered disposer by the law enforcement officer.

(3) Within ~~((five))~~ three days after ~~((having received))~~ receiving the names and addresses of the owners~~((;he))~~ from the department or the law enforcement officer, the registered disposer shall ~~((notify))~~ send a notice to the registered and legal owners of the ~~((same with copies of such notice being sent to the chief of the Washington state patrol and to the department of licensing. The notice to the registered and legal owner shall be sent by the tow truck operator))~~ vehicle to the last known addresses of ~~((said))~~ the

owners ~~((appearing))~~ as the addresses appear on the records of the department ~~((of licensing, and such notice shall be sent to the registered and legal owner))~~ by certified or registered mail ~~((with a five-day))~~, return receipt requested. ~~((Such))~~ The notice shall contain a description of the vehicle or hulk including its license number ((and/or motor number if obtainable,)) and vehicle identification number and shall state the amount due the ((tow truck operator)) registered disposer for services in the towing and storage of the ((same)) vehicle or hulk and the time and place of public sale if the amount remains unpaid((:

~~The department of licensing shall supply the last known names and addresses of registered and legal owners of abandoned vehicles or automobile hulks appearing on the records of the department to tow truck operators on request without charge)) or if possession of the vehicle is not otherwise regained pursuant to section 5 of this 1979 act. The notice shall not be sent if the registered owner has regained possession of the vehicle pursuant to section 5 of this 1979 act. If the vehicle is sold pursuant to this chapter, a copy of the notice with proof of mailing shall be retained in the registered disposer's files and available for inspection for a period of three years from the date of sale.~~

(4) The failure of the registered disposer to comply with the time limits provided in this chapter shall limit the accumulation of storage charges to five days except where delay is unavoidable. The providing of incorrect or incomplete identifying information to the department in the abandoned vehicle report shall be considered a failure to comply with these time limits if correct information is available.

Sec. 13. Section 8, chapter 42, Laws of 1969 ex. sess. as last amended by section 168, chapter ... (House Bill No. 849), Laws of 1979 and RCW 46.52.112 are each amended to read as follows:

If, after the expiration of fifteen days from the date of mailing of notice to the registered and legal owner, the vehicle or ~~((automobile))~~ hulk remains unclaimed and has not been listed as a stolen or recovered vehicle, then the ~~((tow truck operator))~~ registered disposer having custody of such vehicle or hulk shall conduct a sale of the same at public auction after having first published a notice of the date, place and time of such auction in a newspaper of general circulation in the county in which the vehicle is located not less than three days before the date of such auction.

Such ~~((abandoned))~~ vehicle or ~~((automobile))~~ hulk shall be sold at such auction to the highest bidder. The proceeds of such sale, after deducting the towing and storage charges due the ~~((tow truck operator))~~ registered disposer, including the cost of sale, which shall be computed as in a public auction sale of personal property by the sheriff, shall be certified one-half to the county treasurer of the county in which the vehicle is located to be credited to the county current expense fund, and one-half to the state treasurer to be credited to the highway safety fund. If the amount bid at the

auction is insufficient to compensate the ~~((tow truck operator))~~ registered disposer for his towing and storage charges and the cost of sale, such ~~((tow truck operator))~~ registered disposer shall be entitled to assert a claim for any deficiency, not to exceed ~~((one))~~ two hundred dollars less the amount bid at the auction, against the last registered owner of such vehicle or ~~((automobile))~~ hulk. A registered owner who has complied with RCW 46.52-.104 in the transfer of ownership of the vehicle or hulk shall be relieved of liability under this section.

After the public auction and sale of any ~~((abandoned))~~ vehicle or ~~((automobile))~~ hulk as in this section provided, and after an application for certificate of title accompanied by applicable fees and taxes and supported by an appropriate affidavit reciting compliance with the procedures of this chapter has been submitted, the ~~((director))~~ department of licensing shall issue a certificate of title showing ownership of the vehicle or ~~((automobile))~~ hulk in the name of the successful bidder at such auction. The issuance of such certificate of title by the ~~((director of licensing))~~ department shall terminate any and all rights or claims of prior lienholders and all rights of former owners in and to such vehicle or ~~((automobile))~~ hulk.

The ~~((director of licensing))~~ department shall establish such additional administrative rules and regulations, not inconsistent with the provisions of this chapter, as may be necessary to facilitate the disposition of ~~((abandoned))~~ vehicles and ~~((automobile))~~ hulks in those instances where the ownership of such a vehicle or hulk is not known.

Sec. 14. Section 9, chapter 42, Laws of 1969 ex. sess. as amended by section 169, chapter ... (House Bill No. 849), Laws of 1979 and RCW 46-.52.113 are each amended to read as follows:

Any vehicle left in a garage for storage more than five days where the same has not been left by the registered owner under a contract of storage and has not during such period been removed by a person leaving the same shall be an abandoned vehicle and notice shall be given to the registered and legal owner and to the chief of the Washington state patrol and to the department of licensing of the existence of such abandoned vehicle. Any garage keeper failing to report such fact to the chief of the Washington state patrol and the department ~~((of licensing))~~ within ten days after the commencement of such storage shall forfeit any claim for the storage of such vehicle. All such vehicles considered abandoned by being left in a garage shall be disposed of by the garage keeper, if such keeper is a registered abandoned vehicle disposer, in accordance with the procedure prescribed in RCW 46.52.111 and 46.52.112.

Except for the forfeiture of claim for storage as set forth herein for failure to report vehicles left in excess of five days, nothing in this section shall be construed to impair any lien for storage accruing to a garage keeper under other law of this state.

Sec. 15. Section 10, chapter 42, Laws of 1969 ex. sess. and RCW 46.52.114 are each amended to read as follows:

A ~~((tow truck operator))~~ registered disposer, registered and bonded in accordance with RCW 46.52.108, who shall tow, transport, or store any vehicle whether by contract or at the direction of any public officer, shall have a lien upon ~~((such))~~ the vehicle but not upon the personal items within the vehicle so long as the ~~((same))~~ vehicle remains in his possession, for the charges for ~~((such))~~ towing, transportation or storage; except that if the removal of the vehicle is determined to be invalid, the registered disposer shall only have a lien for the charges that accrue after the determination of invalidity. If ~~((such))~~ a vehicle remains unclaimed for five days, it may be deemed abandoned and subject to the provisions of RCW 46.52.111 and 46.52.112.

Sec. 16. Section 2, chapter 42, Laws of 1969 ex. sess. as last amended by section 170, chapter ... (House Bill No. 849), Laws of 1979 and RCW 46.52.115 are each amended to read as follows:

The director of the department of licensing, in cooperation with the chief of the Washington state patrol and other law enforcement agencies throughout this state, after appropriate notice and hearing, shall establish ~~((from time to time))~~ rules ((and regulations for the disposition of abandoned vehicles and abandoned automobile hulks not inconsistent with)) to carry out the provisions of this chapter.

Sec. 17. Section 11, chapter 42, Laws of 1969 ex. sess. as amended by section 171, chapter ... (House Bill No. 849), Laws of 1979 and RCW 46.52.116 are each amended to read as follows:

A city or county may adopt an ordinance or resolution establishing procedures for the disposition of abandoned vehicles. Any vehicle impounded pursuant to an ordinance or resolution of any city or county ~~((and left unclaimed for a period of fifteen days shall be deemed to be an abandoned vehicle, and at the expiration of such period said vehicle shall be deemed to be in the custody of the sheriff of the county where said vehicle is located and the sheriff of the county shall deliver the vehicle to a tow truck operator who shall dispose of such vehicle))~~ shall be processed in the manner provided in RCW 46.52.111 and 46.52.112~~((: PROVIDED, That if the vehicle is of a model year ten or more years prior to the calendar year in which such vehicle is stored, the sheriff may be authorized to declare that such vehicle is a public nuisance, and may dispose of such vehicle without notice of sale, and in such case, the director of licensing shall issue an appropriate bill of sale to the tow truck operator to dispose of the vehicle as he may determine))~~.

Sec. 18. Section 1, chapter 111, Laws of 1971 ex. sess. and RCW 46.52.145 are each amended to read as follows:

For the purposes of RCW 46.52.145 through 46.52.160, unless a different meaning is plainly required:

(1) "Abandoned junk motor vehicle" means any motor vehicle substantially meeting the following requirements:

(a) Left on private property for more than (~~(seventy-two)~~) twenty-four hours without the permission of the person having right to the possession of the property, or a public street or other property open to the public for purposes of vehicular travel or parking, or upon or within the right of way of any road or highway, for (~~(forty-eight)~~) twenty-four hours or longer;

(b) Three years old, or older;

(c) Extensively damaged, such damage including but not limited to any of the following: A broken window or windshield, missing wheels, tires, motor, or transmission;

(d) Apparently inoperable;

(e) Without a valid, current registration plate;

(f) Having a fair market value (~~(of fifty dollars or less)~~) equivalent to the value of the scrap therein, only.

(2) "Motor vehicle wrecker" means every person, firm, partnership, association, or corporation engaged in the business of buying, selling, or dealing in vehicles of a type required to be licensed under the laws of this state, for the purpose of wrecking, dismantling, disassembling, or substantially changing the form of any motor vehicle, or who buys or sells integral secondhand parts of component material thereof, in whole or in part, and deals in secondhand motor vehicle parts.

(3) "Scrap processor" means a licensed establishment that maintains a hydraulic baler and shears, or a shredder for recycling automobile salvage.

Sec. 19. Section 2, chapter 111, Laws of 1971 ex. sess. as amended by section 174, chapter ... (House Bill No. 849), Laws of 1979 and RCW 46.52.150 are each amended to read as follows:

Notwithstanding any other provision of law, any law enforcement officer having jurisdiction or any person authorized by the director of licensing shall inspect and may authorize the disposal of an abandoned junk motor vehicle. The officer or authorized person shall record the make of such motor vehicle, the serial number or vehicle identification number if available, and shall also detail the damage or missing equipment to (~~(substantiate the value at fifty dollars or less)~~) verify that the value of such abandoned junk vehicle is equivalent to the value of the scrap metal therein, only.

Any moneys arising from the disposal of abandoned junk motor vehicle shall be deposited in the county general fund.

Sec. 20. Section 64, chapter 155, Laws of 1965 ex. sess. as amended by section 2, chapter 24, Laws of 1977 and RCW 46.61.560 are each amended to read as follows:

(1) Outside of incorporated cities and towns no person shall stop, park, or leave standing any vehicle, whether attended or unattended, upon the roadway.

(2) Subsection (1) of this section, RCW 46.61.570, and 46.61.575 shall not apply to the driver of any vehicle which is disabled in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving the vehicle in such position. The driver shall nonetheless arrange for the prompt removal of the vehicle as required by section 1 of this 1979 act.

(3) Subsection (1) of this section shall not apply to the driver of a public transit vehicle who shall temporarily stop his vehicle upon the roadway for the purpose of and while actually engaged in receiving or discharging passengers at a marked transit vehicle stop zone approved by the state highway commission or a county upon highways under their respective jurisdictions.

Sec. 21. Section 65, chapter 155, Laws of 1965 ex. sess. as amended by section 4, chapter 167, Laws of 1977 ex. sess. and RCW 46.61.565 are each amended to read as follows:

Any police officer may take custody of a vehicle and provide for its prompt removal to a place of safety under any of the following circumstances:

(1) ~~Whenever any police officer finds a vehicle standing upon ((a highway)) the roadway in violation of any of the provisions of RCW 46.61.560, ((such)) the officer is hereby authorized to provide for the removal of ((such)) the vehicle ((to a place of safety)) or require the driver or other person in charge of the vehicle to move the ((same;)) vehicle to a position off the ((main-traveled part of such highway. For the purpose of this section, a place of safety may include the business location of a towing service)) roadway.~~

(2) ~~Whenever any police officer finds a vehicle unattended upon any highway where ((such)) the vehicle constitutes an obstruction to traffic or jeopardizes public safety((, such officer is hereby authorized to provide for the removal of such vehicle to a place of safety)).~~

(3) ~~Whenever a police officer finds an unattended vehicle at the scene of an accident or when the driver of any vehicle involved in an accident is physically or mentally incapable, or too intoxicated, to decide upon steps to be taken to protect his or her property((, the officer may provide for the removal of the vehicle to a place of safety)).~~

(4) ~~Whenever the driver of a vehicle is arrested and taken into custody by a police officer, and the driver, because of intoxication or otherwise, is mentally incapable of deciding upon steps to be taken to safeguard his or her property((, a police officer may provide for the removal of the vehicle to a place of safety)).~~

(5) Whenever a police officer discovers a vehicle which he determines to be a stolen vehicle.

(6) Nothing in this section shall derogate from the powers of police officers under the common law. For the purposes of this section, a place of safety may include the business location of a registered disposer as defined in RCW 46.52.102.

Sec. 22. Section 5, chapter 167, Laws of 1977 ex. sess. and RCW 46-.61.567 are each amended to read as follows:

The Washington state patrol, under its authority to remove vehicles from the highway, may remove the vehicles directly, through towing operators appointed by the commission and called on a rotational or other basis, through contracts with towing operators, or by a combination of these methods. When removal is to be accomplished through a towing operator on a noncontractual basis, the commission may appoint any towing operator for this purpose upon the application of the operator. Each appointment shall be contingent upon the submission of an application to the commission and the making of subsequent reports in such form and frequency and compliance with such standards of equipment, performance, pricing, and practices as may be required by rule of the commission.

An appointment may be rescinded by the commission at the request of the Washington state patrol upon evidence that the appointed towing operator is not complying with the laws or rules relating to the removal and storage of vehicles from the highway. The costs of removal and storage of vehicles under this section shall be paid by the owner or driver of the vehicle and shall be a lien upon the vehicle until paid, unless the removal is determined to be invalid.

Rules promulgated under this section shall be binding only upon those towing operators appointed by the commission for the purpose of performing towing services at the request of the Washington state patrol. Any person aggrieved by a decision of the commission made under this section may appeal the decision under chapter 34.04 RCW.

NEW SECTION. Sec. 23. If any provision of this 1979 act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 24. This 1979 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 27, 1979.

Passed the Senate April 23, 1979.

Approved by the Governor May 14, 1979.

Filed in Office of Secretary of State May 14, 1979.

CHAPTER 179

[Substitute House Bill No. 972]

ANNEXATION OF CITIES AND TOWNS TO FIRE PROTECTION DISTRICTS

AN ACT Relating to fire protection; amending section 1, chapter 34, Laws of 1939 as last amended by section 1, chapter 237, Laws of 1959 and RCW 52.04.020; amending section 6, chapter 237, Laws of 1959 and RCW 52.22.030; and adding new sections to chapter 52.04 RCW.

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

NEW SECTION. Section 1. There is added to chapter 52.04 RCW a new section to read as follows:

A city or town lying contiguous to a fire protection district may be annexed to such district if at the time of the initiation of annexation the population of the city or town is 10,000 or less. The legislative authority of the city or town may initiate annexation by the adoption of an ordinance stating an intent to join the fire protection district and finding that the public interest will be served thereby. If the board of fire commissioners of the fire protection district shall concur in the annexation, notification thereof shall be transmitted to the legislative authority or authorities of the counties in which the city or town and the district are situated.

NEW SECTION. Sec. 2. There is added to chapter 52.04 RCW a new section to read as follows:

The county legislative authority or authorities shall by resolution call a special election to be held in such city or town and in the fire protection district at the next date provided in RCW 29.13.010 but not less than forty-five days from the date of the declaration of such finding, and shall cause notice of such election to be given as provided for in RCW 29.27.080.

The election on the annexation of the city or town into the fire protection district shall be conducted by the auditor of the county or counties in which the city or town and the fire protection district are located in accordance with the general election laws of the state and the results thereof shall be canvassed by the canvassing board of the county or counties. No person shall be entitled to vote at such election unless he or she is registered to vote in said city or town or unless he or she is residing within the boundaries of the fire protection district and is registered to vote in a county in which all or a portion of such district is located for at least thirty days preceding the date of the election. The ballot proposition shall be in substantially the following form:

"Shall the city or town of be annexed to and be a part of fire protection district?

YES _____
NO _____"

If a majority of the persons voting on the proposition in the city or town and a majority of the persons voting on the proposition in the fire protection district shall vote in favor thereof, the city or town shall thereupon be annexed and shall be a part of such fire protection district.

NEW SECTION. Sec. 3. There is added to chapter 52.04 RCW a new section to read as follows:

The legislative body of such a city or town which has annexed to such a fire protection district, may, by resolution, present to the voters of such city or town a proposition to withdraw from said fire protection district at any general election held at least three years following the annexation to the fire protection district. If the voters approve such a proposition to withdraw from said fire protection district, the city or town shall have a vested right in the capital assets of the district proportionate to the taxes levied within the corporate boundaries of the city or town and utilized by the fire district to acquire such assets.

NEW SECTION. Sec. 4. There is added to chapter 52.04 RCW a new section to read as follows:

The annual tax levies authorized by chapter 52.16 RCW shall be imposed throughout the fire protection district, including any city or town annexed thereto. Any city or town annexed to a fire protection district shall be entitled to levy up to three dollars and sixty cents per thousand dollars of assessed valuation less any regular levy made by the fire protection district or by a library district pursuant to the provisions of RCW 27.12.390 in the incorporated area, notwithstanding any other provision of law: **PROVIDED,** That the limitations upon regular property taxes imposed by chapter 84.55 RCW shall apply.

Sec. 5. Section 1, chapter 34, Laws of 1939 as last amended by section 1, chapter 237, Laws of 1959 and RCW 52.04.020 are each amended to read as follows:

Fire protection districts for the elimination of fire hazards and for the protection of life and property in territories outside of cities and towns, except where such cities and towns have been annexed into a fire protection district, are hereby authorized to be established as in this act provided.

Sec. 6. Section 6, chapter 237, Laws of 1959 and RCW 52.22.030 are each amended to read as follows:

Effective January 1, 1960, every city or town, or portion thereof, which is situated within the boundaries of a fire protection district shall become automatically removed from such fire protection district, and no fire protection district shall thereafter include any city or town, or portion thereof,

within its boundaries except as provided for in sections 1 through 4 of this 1979 act and RCW 52.04.020.

- Passed the House April 25, 1979.
- Passed the Senate April 19, 1979.
- Approved by the Governor May 14, 1979.
- Filed in Office of Secretary of State May 14, 1979.

CHAPTER 180

[Substitute House Bill No. 1032]

STATE ROUTE 90—COMPLETION CONSTRUCTION BOND ISSUE—
APPROPRIATION

AN ACT Relating to state highway bonds; adding new sections to chapter 47.10 RCW; making appropriations; and declaring an emergency.

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

NEW SECTION. Section 1. In order to provide funds for the location, design, right of way, and construction of selected interstate highway improvements, there shall be issued and sold upon the request of the Washington state transportation commission, a total of one hundred million dollars of general obligation bonds of the state of Washington to pay the state's share of costs for completion of state route 90 (state route 5 to state route 405) and other related state highway projects eligible for regular federal interstate funding.

NEW SECTION. Sec. 2. Upon request being made by the transportation commission, the state finance committee shall supervise and provide for the issuance, sale, and retirement of the bonds authorized by section 1 of this 1979 act in accordance with the provisions of chapter 39.42 RCW. The amount of such bonds issued and sold under the provisions of sections 1 through 9 of this 1979 act in any biennium may not exceed the amount of a specific appropriation therefor. Such bonds may be sold from time to time in such amounts as may be necessary for the orderly progress of the state highway improvements specified in section 1 of this 1979 act.

NEW SECTION. Sec. 3. The proceeds from the sale of the bonds authorized by section 1 of this 1979 act shall be deposited in the motor vehicle fund and such proceeds shall be available only for the purposes enumerated in section 1 of this 1979 act, for the payment of bond anticipation notes, if any, and for the payment of the expense incurred in the drafting, printing, issuance, and sale of such bonds.

NEW SECTION. Sec. 4. Bonds issued under the provisions of section 1 of this 1979 act shall distinctly 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 principal of and interest on such bonds shall be first payable in the manner provided in sections 1 through 9 of this 1979 act from the proceeds of the state excise taxes on motor vehicle and special fuels imposed by chapters 82.36, 82.37, and 82.38 RCW. Proceeds of such excise taxes are hereby pledged to the payment of any bonds and the interest thereon issued under the provisions of sections 1 through 9 of this 1979 act, and the legislature hereby agrees to continue to impose the same excise taxes on motor vehicle and special fuels in amounts sufficient to pay, when due, the principal and interest on all bonds issued under the provisions of sections 1 through 9 of this 1979 act.

NEW SECTION. Sec. 5. Any funds required to repay the bonds authorized by section 1 of this 1979 act or the interest thereon when due shall be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle and special fuels and which is distributed to the state for expenditure pursuant to RCW 46.68.130 and shall never constitute a charge against any allocations of such funds to counties, cities, and towns unless and until the amount of the motor vehicle fund arising from the excise taxes on motor vehicle and special fuels and available for state highway purposes proves insufficient to meet the requirements for bond retirement or interest on any such bonds.

NEW SECTION. Sec. 6. At least one year prior to the date any interest is due and payable on such bonds or before the maturity date of such bonds, the state finance committee shall estimate, subject to the provisions of section 5 of this 1979 act, the percentage of the receipts in money of the motor vehicle fund resulting from collection of excise taxes on motor vehicle and special fuels, for each month of the year which shall be required to meet interest or bond payments when due and shall notify the treasurer of such estimated requirement. The state treasurer shall thereafter from time to time each month as such funds are paid into the motor vehicle fund, transfer such percentage of the monthly receipts from excise taxes on motor vehicle and special fuels of the motor vehicle fund to the highway bond retirement fund heretofore created in the state treasury, which funds shall be available solely for payment of the principal of and interest on the bonds when due. If in any month it shall appear that the estimated percentage of moneys so made is insufficient to meet the requirements for payment of the principal thereof or interest thereon, the treasurer shall notify the state finance committee forthwith, and such committee shall adjust its estimates so that all requirements for the interest on and principal of all bonds issued shall be fully met at all times.

NEW SECTION. Sec. 7. Whenever the percentage of the motor vehicle fund arising from excise taxes on motor vehicle and special fuels payable into the highway bond retirement fund shall prove more than is required for the payment of interest on bonds when due, or current retirement of bonds,

any excess may, in the discretion of the state finance committee, be available for the prior redemption of any bonds pursuant to applicable bond covenants or remain available in the fund to reduce requirements upon the fuel excise tax portion of the motor vehicle fund.

NEW SECTION. Sec. 8. The bonds authorized in sections 1 through 9 of this 1979 act constitute a legal investment for all state funds or for funds under state control and all funds of municipal corporations.

NEW SECTION. Sec. 9. Except as otherwise provided by statute, general obligation bonds issued under authority of legislation enacted during the 45th session of the legislature and thereafter and which pledge motor vehicle and special fuel excise taxes for the payment of principal and interest thereon shall be an equal charge against the revenues from such motor vehicle and special fuel excise taxes.

NEW SECTION. Sec. 10. There is hereby appropriated from the motor vehicle fund to the department of transportation for the biennium ending June 30, 1981, the sum of ten million dollars, or so much thereof as may be necessary, to carry out the provisions of section 1 of this 1979 act: PROVIDED, That the money available for expenditure under this appropriation may not exceed the amount of money derived from the sale of ten million dollars of bonds authorized by section 1 of this 1979 act and deposited to the credit of the motor vehicle fund.

NEW SECTION. Sec. 11. Sections 1 through 9 of this 1979 act shall be added to chapter 47.10 RCW.

NEW SECTION. Sec. 12. If any provision of this 1979 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 1979 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 24, 1979.
- Passed the Senate April 30, 1979.
- Approved by the Governor May 14, 1979.
- Filed in Office of Secretary of State May 14, 1979.

CHAPTER 181

[Substitute House Bill No. 1034]

MOTOR VEHICLE FUEL AND SPECIAL FUEL EXCISE TAX—CITIES OVER FOUR HUNDRED THOUSAND

AN ACT Relating to transportation funding; amending section 82.36.440, chapter 15, Laws of 1961 and RCW 82.36.440; amending section 29, chapter 175, Laws of 1971 ex. sess. and

RCW 82.38.280; creating a new chapter in Title 82 RCW; declaring an emergency; providing an effective date; and providing expiration dates.

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

NEW SECTION. Section 1. The legislative authority of any city having a population of over four hundred thousand may, by resolution or ordinance for the purposes authorized by section 3 of this 1979 act, fix and impose an excise tax on the sale or distribution of motor vehicle fuel and special fuel within such city. The rate of such tax shall be in increments of one-tenth of a cent per gallon and shall not exceed two cents per gallon. Any person paying such excise tax who, in turn, sells or distributes such fuel to another, whether or not for use, shall include the tax as part of the selling price of the fuel. Any person thereafter paying a price for such fuel which includes an increment for the tax imposed hereunder, and who subsequently resells said fuel, shall include the increment so paid as part of the selling price of the fuel.

The tax so imposed shall be collected and paid to the city imposing it but once in respect to any motor vehicle fuel or special fuel. Such tax shall be in addition to any other tax authorized or imposed by law. The total proceeds of such tax shall not exceed the sum of twenty-five million dollars plus administration and collection expenses pursuant to section 4 of this 1979 act and refunds, if any, during the period July 1, 1979, through June 30, 1985.

NEW SECTION. Sec. 2. The definitions set forth in this section shall apply throughout this chapter unless the context clearly requires otherwise.

- (1) "Motor vehicle fuel" has the meaning given in RCW 82.36.010(2).
- (2) "Special fuel" has the meaning given in RCW 82.38.020(5).
- (3) "Motor vehicle" has the meaning given in RCW 82.36.010(1).

NEW SECTION. Sec. 3. The entire proceeds of the tax imposed under this chapter, less refunds and less amounts deducted by the state department of licensing for administration and collection expenses pursuant to section 4 of this 1979 act, shall be used solely to finance the local share of preliminary engineering, right of way acquisition, and construction expenditures for any project located on one or more adjacent city streets, forming a corridor with existing average weekday traffic in excess of sixty-five thousand vehicles, which includes a high-level crossing of a waterway used for international commercial navigation.

NEW SECTION. Sec. 4. Any city imposing the tax authorized by section 1 of this 1979 act shall contract, prior to the effective date of the resolution or ordinance imposing such tax, with the state department of licensing for the administration and collection of such tax, including refunds, if any. The department shall deduct a percentage amount, as provided by contract, for administration and collection expenses incurred by it. The remainder of any portion of the tax authorized by this chapter which is

collected by the department of licensing shall be deposited by the department in a special fund under the custody of the state treasurer to be known as the city motor vehicle fuel tax revolving fund. Each month the state treasurer shall distribute to the cities imposing such tax their proportional shares of the moneys in such fund, less refunds. All appropriate administrative provisions in chapters 82.36 and 82.38 RCW shall, insofar as they are applicable to state motor vehicle fuel and special fuel taxes, be applicable to the tax imposed pursuant to this chapter.

Sec. 5. Section 82.36.440, chapter 15, Laws of 1961 and RCW 82.36.440 are each amended to read as follows:

The tax herein levied is in lieu of any excise, privilege, or occupational tax upon the business of manufacturing, selling, or distributing motor vehicle fuel, and no city, town, county, township or other subdivision or municipal corporation of the state shall levy or collect any excise tax upon or measured by the sale, receipt, distribution, or use of motor vehicle fuel: PROVIDED, That nothing in this section or chapter 82.36 RCW shall be construed to prohibit in any manner the imposition of a city tax upon motor vehicle fuel pursuant to section 1 of this 1979 act.

Sec. 6. Section 29, chapter 175, Laws of 1971 ex. sess. and RCW 82.38.280 are each amended to read as follows:

The tax herein levied is in lieu of any excise, privilege, or occupational tax upon the business of manufacturing, selling, or distributing special fuel, and no city, town, county, township or other subdivision or municipal corporation of the state shall levy or collect any excise tax upon or measured by the sale, receipt, distribution, or use of special fuel: PROVIDED, That nothing in this section or chapter 82.38 RCW shall be construed to prohibit in any manner the imposition of a city tax upon special fuel pursuant to section 1 of this 1979 act.

NEW SECTION. Sec. 7. Sections 1 through 4 of this 1979 act shall constitute a new chapter in Title 82 RCW.

NEW SECTION. Sec. 8. If any provision of this 1979 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. Sections 1 through 3 of this 1979 act shall expire on June 30, 1985, and section 4 of this 1979 act shall expire on June 30, 1986.

NEW SECTION. Sec. 10. This 1979 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, 1979.

Passed the House April 25, 1979.

Passed the Senate April 28, 1979.

Approved by the Governor May 14, 1979.

Filed in Office of Secretary of State May 14, 1979.

CHAPTER 182

[Substitute House Bill No. 1281]

SNOWMOBILES—ADVISORY COMMITTEE—REGISTRATION— REVENUES—OPERATION—APPROPRIATION

AN ACT Relating to snowmobiles; amending section 1, chapter 29, Laws of 1971 ex. sess. as amended by section 131, chapter ... (HB 849), Laws of 1979 and RCW 46.10.010; amending section 2, chapter 29, Laws of 1971 ex. sess. and RCW 46.10.020; amending section 3, chapter 29, Laws of 1971 ex. sess. as amended by section 1, chapter 181, Laws of 1975 1st ex. sess. and RCW 46.10.030; amending section 4, chapter 29, Laws of 1971 ex. sess. as last amended by section 1, chapter 128, Laws of 1973 1st ex. sess. and RCW 46.10.040; amending section 4, chapter 181, Laws of 1975 1st ex. sess. and RCW 46.10-.043; amending section 8, chapter 29, Laws of 1971 ex. sess. as last amended by section 2, chapter 181, Laws of 1975 1st ex. sess. and RCW 46.10.080; amending section 9, chapter 29, Laws of 1971 ex. sess. as amended by section 5, chapter 181, Laws of 1975 1st ex. sess. and RCW 46.10.090; amending section 13, chapter 29, Laws of 1971 ex. sess. and RCW 46.10.130; amending section 15, chapter 29, Laws of 1971 ex. sess. as last amended by section 3, chapter 181, Laws of 1975 1st ex. sess. and RCW 46.10.150; amending section 17, chapter 29, Laws of 1971 ex. sess. and RCW 46.10.170; amending section 19, chapter 29, Laws of 1971 ex. sess. as amended by section 6, chapter 181, Laws of 1975 1st ex. sess. and RCW 46.10.190; amending section 5, chapter 128, Laws of 1973 1st ex. sess. and RCW 46.10.210; adding new sections to chapter 46.10 RCW; repealing section 23, chapter 29, Laws of 1971 ex. sess. (uncodified); repealing section 7, chapter 181, Laws of 1975 1st ex. sess. and RCW 46.10.081; making an appropriation; and prescribing penalties.

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

Section 1. Section 1, chapter 29, Laws of 1971 ex. sess. as amended by section 131, chapter ... (HB 849), Laws of 1979 and RCW 46.10.010 are each amended to read as follows:

As used in this chapter the (~~following~~) words and phrases in this section shall have the designated meanings unless a different meaning is expressly provided or the context otherwise clearly indicated(~~(:)~~).

(1) "Person" shall mean any individual, firm, partnership, association, or corporation.

(2) "Snowmobile" shall mean any self-propelled vehicle capable of traveling over snow or ice, which utilizes as its means of propulsion an endless belt tread, or cleats, or any combination of these or other similar means of contact with the surface upon which it is operated, and which is steered wholly or in part by skis or sled type runners, and which is not otherwise registered as, or subject to the motor vehicle excise tax in the state of Washington.

(3) "All terrain vehicle" shall mean any self-propelled vehicle other than a snowmobile, capable of cross-country travel on or immediately over land, water, snow, ice, marsh, swampland, and other natural terrain, including, but not limited to, four-wheel vehicles, amphibious vehicles, ground effect or air cushion vehicles, and any other means of land transportation deriving motive power from any source other than muscle or wind; except any vehicle designed primarily for travel on, over, or in the water, farm vehicles, or any military or law enforcement vehicles.

(4) "Owner" shall mean the person, other than a lienholder, having the property in or title to a snowmobile or all terrain vehicle, and entitled to the use or possession thereof.

(5) "Operator" means each person who operates, or is in physical control of, any snowmobile or all terrain vehicle.

(6) "Public roadway" shall mean the entire width of the right of way of any road or street designed and ordinarily used for travel or parking of motor vehicles, which is controlled by a public authority other than the Washington state department of transportation, and which is open as a matter of right to the general public for ordinary vehicular traffic.

(7) "Highways" shall mean the entire width of the right of way of all primary and secondary state highways, including all portions of the interstate highway system.

(8) "Dealer" means a person, partnership, association, or corporation engaged in the business of selling snowmobiles or all terrain vehicles at wholesale or retail in this state.

(9) "Department" shall mean the department of licensing.

(10) "Director" shall mean the director of the department of licensing.

(11) "Commission" shall mean the Washington state parks and recreation commission.

(12) "Hunt" shall mean any effort to kill, injure, capture, or disturb a wild animal or wild bird.

(13) "Committee" means the Washington state parks and recreation commission snowmobile advisory committee.

NEW SECTION. Sec. 2. There is added to chapter 46.10 RCW a new section to read as follows:

(1) There is created in the Washington state parks and recreation commission a snowmobile advisory committee to advise the commission regarding the administration of this chapter.

(2) The purpose of the committee is to assist and advise the commission in the planned development of snowmobile facilities and programs.

(3) The committee shall consist of:

(a) Six interested snowmobilers, appointed by the commission; each such member shall be a resident of one of the six geographical areas throughout this state where snowmobile activity occurs, as defined by the commission;

(b) Three representatives of the nonsnowmobiling public, appointed by the commission; and

(c) One representative of the department of natural resources, one representative of the department of game, and one representative of the Washington state association of counties; each of whom shall be appointed by the director of such department or association.

(4) Terms of the members appointed under (3) (a) and (b) of this section shall commence on July 1 of the year of appointment and shall be for three years or until a successor is appointed, except in the case of appointments to fill vacancies which shall be for the remainder of the unexpired term: PROVIDED, That the first such members shall be appointed for terms as follows: Three members shall be appointed for one year, three members shall be appointed for two years, and three members shall be appointed for three years.

(5) Members of the committee appointed under (3) (a) and (b) of this section shall be reimbursed for travel expenses as provided in RCW 43.03-.050 and 43.03.060 as now or hereafter amended. Expenditures under this subsection shall be from the snowmobile account created by section 7 of this act.

(6) The committee may meet at times and places fixed by the committee. The committee shall meet not less than twice each year and additionally as required by the committee chairman or by majority vote of the committee. One of the meetings shall be coincident with a meeting of the commission at which the committee shall provide a report to the commission. The chairman of the committee shall be chosen under rules adopted by the committee from those members appointed under (3) (a) and (b) of this section.

(7) The Washington state parks and recreation commission shall serve as recording secretary to the committee. A representative of the department of licensing shall serve as an ex officio member of the committee and shall be notified of all meetings of the committee. The recording secretary and the ex officio member shall be nonvoting members.

(8) The committee shall adopt rules to govern its proceedings.

(9) The snowmobile advisory committee of the Washington state parks and recreation commission and its powers and duties shall terminate on June 30, 1983, and shall be subject to all of the processes provided in RCW 43.131.010 through 43.131.110 as now existing or hereafter amended.

Sec. 3. Section 2, chapter 29, Laws of 1971 ex. sess. and RCW 46.10-.020 are each amended to read as follows:

(1) Except as provided(;) in this chapter, no person shall own or operate any snowmobile within this state (~~(after August 9, 1971)~~) unless such snowmobile has been registered in accordance with the provisions of this chapter.

(2) A registration number shall be assigned, without payment of a fee, to snowmobiles owned by the state of Washington or its political subdivisions, and the assigned registration number shall be displayed upon each snowmobile in such manner as provided by rules adopted by the department.

Sec. 4. Section 3, chapter 29, Laws of 1971 ex. sess. as amended by section 1, chapter 181, Laws of 1975 1st ex. sess. and RCW 46.10.030 are each amended to read as follows:

No registration shall be required under the provisions of this chapter for the following described snowmobiles:

(1) Snowmobiles owned and operated by the United States, another state, or a political subdivision thereof.

~~(2) ((Snowmobiles owned and operated by this state, or by any municipality or political subdivision thereof.~~

~~(3))~~ A snowmobile owned by a resident of another state if that snowmobile is registered in accordance with the laws of the state in which its owner resides, but only to the extent that a similar exemption or privilege is granted under the laws of that state for snowmobiles registered in this state: PROVIDED, That any snowmobile which is validly registered in another state and which is physically located in this state for a period of more than fifteen consecutive days shall be subject to registration under the provisions of this chapter.

Sec. 5. Section 4, chapter 29, Laws of 1971 ex. sess. as last amended by section 1, chapter 128, Laws of 1973 1st ex. sess. and RCW 46.10.040 are each amended to read as follows:

Application for registration shall be made to the department in such manner and upon such forms as the department shall prescribe, and shall state the name and address of each owner of the snowmobile to be registered, and shall be signed by at least one such owner, and shall be accompanied by a registration fee of ~~((five))~~ seven dollars and fifty cents. Upon receipt of the application and the application fee, such snowmobile shall be registered and a registration number assigned, which shall be affixed to the snowmobile in a manner provided in RCW 46.10.070.

The registration provided in this section shall be valid for a period of one year. At the end of such period of registration, every owner of a snowmobile in this state shall renew his registration in such manner as the department shall prescribe, for an additional period of one year, upon payment of a renewal fee of ~~((five))~~ seven dollars and fifty cents.

Any person acquiring a snowmobile already validly registered under the provisions of this chapter must, within ten days of the acquisition or purchase of such snowmobile, make application to the department for transfer of such registration, and such application shall be accompanied by a transfer fee of one dollar.

A snowmobile owned by a resident of another state where registration is not required by law may be issued a nonresident registration permit valid for not more than sixty days. Application for such a permit shall state name and address of each owner of the snowmobile to be registered and shall be signed by at least one such owner and shall be accompanied by a registration fee of two dollars. The registration permit shall be carried on the vehicle at all times during its operation in this state.

The registration fees provided in this section shall be in lieu of any personal property or excise tax heretofore imposed on snowmobiles by this state or any political subdivision thereof, and no city, county, or other municipality, and no state agency shall hereafter impose any other registration or license fee on any snowmobile in this state.

The department shall make available a pair of uniform decals consistent with the provisions of RCW 46.10.070 as now or hereafter amended. In addition to the registration fee provided herein the department shall charge each applicant for registration the actual cost of said decal(~~(, up to fifty cents per pair of decals)~~). The department shall make available replacement decals for a fee (~~(of one dollar and fifty cents per pair)~~) equivalent to the actual cost of the decals.

Sec. 6. Section 4, chapter 181, Laws of 1975 1st ex. sess. and RCW 46.10.043 are each amended to read as follows:

Each snowmobile dealer registered pursuant to the provisions of RCW 46.10.050 shall register the snowmobile or, in the event the snowmobile is currently registered, transfer the registration to the new owner prior to delivering the snowmobile to that new owner subsequent to the sale thereof by the dealer. Applications for registration and transfer of registration of snowmobiles shall be made to agents of the department authorized as such in accordance with RCW 46.01.140 and 46.01.150 as now or hereafter amended.

All registrations for snowmobiles manufactured after January 1, 1975, must be valid for the current registration period prior to the transfer of any registration, including assignment to a dealer. Upon the sale of a snowmobile by a dealer, the dealer may issue a temporary registration as provided by rules adopted by the department.

NEW SECTION. Sec. 7. There is added to chapter 46.10 RCW a new section to read as follows:

There is created a snowmobile account within the general fund. Snowmobile registration fees and snowmobile fuel tax moneys collected under this chapter and in excess of the amounts fixed for the administration of the registration and fuel tax provisions of this chapter shall be deposited in the snowmobile account and shall be appropriated only to the state parks and recreation commission for the administration and coordination of this chapter.

All moneys collected by the department as snowmobile registration fees or moneys from the motor vehicle fund which the director has determined to be a tax on snowmobile fuel prior to the effective date of this 1979 act which remain undistributed and within the general fund shall be transferred to and become a part of the snowmobile account within the general fund.

Sec. 8. Section 8, chapter 29, Laws of 1971 ex. sess. as last amended by section 2, chapter 181, Laws of 1975 1st ex. sess. and RCW 46.10.080 are each amended to read as follows:

The moneys collected by the department as snowmobile registration fees and fuel tax moneys placed in the snowmobile account shall be distributed in the following manner:

(1) (~~Ten percent each year for the first two years after August 9, 1971, and five percent each year for each year thereafter~~) Actual expenses not to exceed three percent for each year shall be retained by the department to cover expenses incurred in the administration of the registration and fuel tax provisions of this chapter.

(2) (~~Twenty-five percent each year shall be distributed to the treasurers of those counties of this state having significant snowmobile use in such sums or upon such a formula as shall be determined by the director after consulting with and obtaining the advice of the Washington state association of counties, and shall be deposited in the county parks and recreation fund and expended for snowmobile purposes.~~

(3) ~~For the first two years after August 9, 1971, fifteen percent each year shall be remitted to the state treasurer for deposit into the general fund and shall be credited to the commission and shall be expended for snow removal operations at other than developed recreational facilities. Thereafter twenty percent each year shall be so remitted for such purposes: PROVIDED, That the unused portion of the moneys allotted to the commission for snow removal operations at other than developed recreational facilities, as provided for in this section and in RCW 46.10.150, from the registration moneys and the gasoline fuel tax, as of March 1 of the second year of the biennium shall revert to the snowmobile development and operation fund of the commission, which fund is hereby created.~~

(4) Fifty percent each year shall be remitted to the state treasurer to be deposited in the general fund, and forty percent of such fifty percent shall remain in the general fund and shall be subject to legislative appropriation until the cumulative totals of such amounts subject to legislative appropriation deposited under this section and under RCW 46.10.150 as now or hereafter amended shall equal forty thousand dollars, or shall equal so much of the appropriation under RCW 46.10.081 as is actually used if the entire appropriation of forty thousand dollars is not used. The remainder of such fifty percent shall be credited in equal amounts to the commission, the department of natural resources, and the department of game and shall be expended on the development or operation of snowmobile facilities, but not

on the acquisition thereof. The commission, the department of natural resources and the department of game shall, not later than July 15 of each year, prepare and submit to the Washington state parks and recreation commission an annual report which shall indicate the purposes for which such amounts were expended)) The remainder of such funds each year shall be remitted to the state treasurer to be deposited in the snowmobile account of the general fund and shall be appropriated only to the commission to be expended for snowmobile purposes. Such purposes may include but not necessarily be limited to the administration, acquisition, development, operation, and maintenance of snowmobile facilities and development and implementation of snowmobile safety, enforcement, and education programs.

(3) Nothing in this section is intended to discourage any public agency in this state from developing and implementing snowmobile programs. The commission is authorized to make grants to public agencies and to contract with any public or private agency or person for the purpose of developing and implementing snowmobile programs, provided that the programs are not inconsistent with the rules adopted by the commission.

*** NEW SECTION. Sec. 9. There is added to chapter 46.10 RCW a new section to read as follows:**

Moneys in the snowmobile account which are not needed to meet the expenses and obligations of the commission for snowmobile programs shall be invested in a manner as provided by law and any interest earned thereon shall be considered moneys in the snowmobile account to be used for the purposes specified in this chapter.

***Sec. 9. was vetoed, see message at end of chapter.**

Sec. 10. Section 9, chapter 29, Laws of 1971 ex. sess. as amended by section 5, chapter 181, Laws of 1975 1st ex. sess. and RCW 46.10.090 are each amended to read as follows:

It shall be unlawful for any person to operate any snowmobile:

(1) At a rate of speed greater than reasonable and prudent under the existing conditions.

(2) While under the influence of intoxicating liquor or narcotics or habit forming drugs.

(3) In a manner so as to endanger the person or property of another.

(4) Without a lighted headlight and taillight between the hours of dusk and dawn, or when otherwise required for the safety of others.

(5) Without an adequate braking device which may be operated either by hand or foot.

(6) Without an adequate and operating muffling device which shall effectively blend the exhaust and motor noise in such a manner so as to preclude excessive or unusual noise, and, (a) on snowmobiles manufactured on or before January 4, 1973, which shall effectively limit such noise at a level of eighty-six decibels, or below, on the "A" scale at fifty feet, and (b) on snowmobiles manufactured after January 4, 1973, which shall effectively

~~((maintain))~~ limit such noise at a level of eighty-two decibels, or below, on the "A" scale at ~~((one hundred))~~ fifty feet, and (c) on snowmobiles manufactured after January 1, 1975, which shall effectively limit such noise at a level of seventy-eight decibels, or below, as measured on the "A" scale at a distance of fifty feet, under testing procedures as established by the ~~((Washington state patrol))~~ department of ecology; except snowmobiles used in organized racing events in an area designated for that purpose may use a bypass or cutout device. This section shall not affect the power of the department of ecology to adopt noise performance standards for snowmobiles. Noise performance standards adopted or to be adopted by the department of ecology shall be in addition to the standards contained in this section, but the department's standards shall supersede this section to the extent of any inconsistency.

(7) Upon the paved portion or upon the shoulder or inside bank or slope of any public roadway or highway, or upon the median of any divided highway, except as provided in RCW 46.10.100 and 46.10.110.

(8) In any area or in such a manner so as to expose the underlying soil or vegetation, or to injure, damage, or destroy trees or growing crops.

(9) Without a current registration decal affixed thereon, if not exempted under RCW 46.10.030 as now or hereafter amended.

Sec. 11. Section 13, chapter 29, Laws of 1971 ex. sess. and RCW 46.10.130 are each amended to read as follows:

No person shall operate a snowmobile in such a way as to endanger human life, or to run down or harass deer, elk, or any ~~((other))~~ wildlife, or any domestic animal, nor shall he carry any loaded weapon upon, nor hunt from, any snowmobile. Any person violating the provisions of this section shall be guilty of a gross misdemeanor.

Sec. 12. Section 15, chapter 29, Laws of 1971 ex. sess. as last amended by section 3, chapter 181, Laws of 1975 1st ex. sess. and RCW 46.10.150 are each amended to read as follows:

From time to time, but at least once each biennium, the director shall request the state treasurer to refund from the motor vehicle fund amounts which have been determined to be a tax on snowmobile fuel, and the treasurer shall refund such amounts, less the cost of making the determination under RCW 46.10.170, and place them in the snowmobile account in the general fund~~((; twenty-five percent of such amounts shall be credited to the commission and shall be expended by it for snow removal operations at other than developed recreational facilities; seventy-five percent of such amounts shall be credited as follows: Forty percent of such seventy-five percent to the general fund to be subject to legislative appropriation until the cumulative totals of such amounts subject to legislative appropriation under this section and under RCW 46.10.080(4) as now or hereafter amended shall equal forty thousand dollars, or shall equal so much of the~~

~~appropriation under RCW 46.10.081 as is actually used if the entire appropriation of forty thousand dollars is not used. The remainder of such seventy-five percent shall be credited in equal amounts, to the commission, department of natural resources, and the department of game, and shall be expended for the development and/or operation, but not acquisition, of snowmobile facilities).~~

Sec. 13. Section 17, chapter 29, Laws of 1971 ex. sess. and RCW 46.10.170 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 tax on snowmobile fuel. Such determination may be made in any manner which is, in the judgment of the director, reasonable, but the manner used to make such determination shall be reported at the end of each four year period to the legislature. To offset the actual 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)~~) a sum equal to such actual cost.

Sec. 14. Section 19, chapter 29, Laws of 1971 ex. sess. as amended by section 6, chapter 181, Laws of 1975 1st ex. sess. and RCW 46.10.190 are each amended to read as follows:

(1) Except as provided in RCW 46.10.130, any person violating the provisions of this chapter shall be guilty of a misdemeanor: **PROVIDED,** That the ~~((penalty))~~ fine for failing to ~~((have))~~ display a valid registration decal under RCW 46.10.090 as now or hereafter amended shall, upon conviction or forfeiture of bail, be a fine of twenty-five dollars and sixty percent of such fine shall be remitted to the state treasurer for deposit in the snowmobile account in the general fund to be expended for snowmobile purposes as provided in this chapter and forty percent remitted to the general fund of the local government.

(2) In addition to the penalties provided in subsection (1) of this section, the operator and/or the owner of any snowmobile used with the permission of the owner shall be liable for three times the amount of any damage to trees, shrubs, growing crops, or other property injured as the result of travel by such snowmobile over the property involved.

Sec. 15. Section 5, chapter 128, Laws of 1973 1st ex. sess. and RCW 46.10.210 are each amended to read as follows:

With the exception of the registration and licensing provisions, this chapter shall be administered by the Washington state parks and recreation commission. The department shall consult with the commission prior to adopting rules to carry out its duties under this chapter. After consultation with the committee, the commission shall adopt such rules as may be necessary to carry out its duties under this chapter. Nothing in this chapter is

intended to discourage experimental or pilot programs which could enhance snowmobile safety or recreational snowmobiling.

NEW SECTION. Sec. 16. There is hereby appropriated from the snowmobile account of the general fund four hundred ninety-five thousand dollars, or so much thereof as may be necessary, for the purposes of RCW 46.10.080 as now or hereafter amended.

NEW SECTION. Sec. 17. The following acts or parts of acts are each repealed:

- (1) Section 23, chapter 29, Laws of 1971 ex. sess. (uncodified); and
- (2) Section 7, chapter 181, Laws of 1975 1st ex. sess. and RCW 46.10.081.

Passed the House April 27, 1979.

Passed the Senate April 24, 1979.

Approved by the Governor May 14, 1979, with the exception of Section 9 which is vetoed.

Filed in Office of Secretary of State May 14, 1979.

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

"I am returning herewith, without my approval as to one section, Substitute House Bill 1281 entitled:

"An Act Relating to Snowmobiles; amending section 1, chapter 29, Laws of 1971, Ex. Session, as amended by section 131, chapter . . . (HB 849), Laws of 1971 and RCW 46.10.010; . . ."

Section 7 creates the "Snowmobile Account" within the General Fund and Section 9 provides that the unused money shall be "invested in a manner as provided by law" and that all interest earnings "shall be considered moneys in the snowmobile account." At present, there are 71 accounts in the State General Fund, only eight of which receive interest earnings on their balances. In all other instances, account earnings are credited to the State's basic General Fund. To credit interest to the newly-created snowmobile account would be to directly contradict past policy concerning funds administered by the State Treasurer and would encourage other encroachments on the revenue derived from these sources to the State General Fund.

With the exception of Section 9 which I have vetoed, the remainder of Substitute House Bill 1281 is approved."

CHAPTER 183

[Senate Bill No. 2143]

SCHOOL DISTRICTS—ELECTION OF DIRECTORS

AN ACT Relating to education; amending section 28A.57.312, chapter 223, Laws of 1969 ex. sess. as last amended by section 5, chapter 43, Laws of 1975 and RCW 28A.57.312; amending section 28A.57.342, chapter 223, Laws of 1969 ex. sess. as last amended by section 8, chapter 43, Laws of 1975 and RCW 28A.57.342; amending section 28A.57.344, chapter 223, Laws of 1969 ex. sess. as last amended by section 9, chapter 43, Laws of 1975 and RCW 28A.57.344; amending section 7, chapter 15, Laws of 1975-'76 2nd ex. sess. and RCW 28A.57.357; amending section 8, chapter 15, Laws of 1975-'76 2nd ex. sess. and RCW 28A.57.358; amending section 9, chapter 131, Laws of 1969 as amended by section 5, chapter 21, Laws of 1973 2nd ex. sess. and RCW 28A.57.425; amending section 10, chapter 131, Laws of 1969 as amended by section 6, chapter 21, Laws of 1973

2nd ex. sess. and RCW 28A.57.435; amending section 29.13.060, chapter 9, Laws of 1965 and RCW 29.13.060; amending section 2, chapter 10, Laws of 1970 ex. sess. as amended by section 7, chapter 21, Laws of 1973 2nd ex. sess. and RCW 29.21.180; amending section 29.21.210, chapter 9, Laws of 1965 as last amended by section 8, chapter 21, Laws of 1973 2nd ex. sess. and RCW 29.21.210; creating new sections; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.57 RCW; declaring an emergency; and making an effective date.

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 last amended by section 5, chapter 43, Laws of 1975 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 fifty thousand pupils~~) within its boundaries a city with a population of four hundred thousand people 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.

Sec. 2. Section 28A.57.342, chapter 223, Laws of 1969 ex. sess. as last amended by section 8, chapter 43, Laws of 1975 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 other than a school district of the first class having (~~an enrollment of fifty thousand pupils~~) within its boundaries a city with a population of four hundred thousand people 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, as now or hereafter amended. 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, as now or hereafter amended. 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 last amended by section 9, chapter 43, Laws of 1975 and RCW 28A.57.344 are each amended to read as follows:

The board of directors of every school district other than a school district of the first class having ~~((an enrollment of fifty thousand pupils))~~ within its boundaries a city with a population of four hundred thousand people 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 7, chapter 15, Laws of 1975-'76 2nd ex. sess. 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, as now or hereafter amended, 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 shall meet at the call of the educational service 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, as now or hereafter amended, 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~~) a district having ((an enrollment of fifty thousand pupils)) within its boundaries a city with a population of four hundred thousand people or more in class AA counties 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.

Sec. 5. Section 8, chapter 15, Laws of 1975-'76 2nd ex. sess. 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 fifty thousand pupils~~) within its boundaries a city with a population of four hundred thousand people 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 shall meet at the call of the educational service 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, as now or hereafter amended. 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~~) section 10 of this amendatory act.

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. 6. Section 9, chapter 131, Laws of 1969 as amended by section 5, chapter 21, Laws of 1973 2nd ex. sess. and RCW 28A.57.425 are each amended to read as follows:

Notwithstanding any other provision of law, any school ((districts)) district of the first class having ((an enrollment of fifty thousand pupils)) within its boundaries a city with a population of four hundred thousand people 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, as now or hereafter amended, every such director so elected in school districts divided into seven director districts shall serve for a term of ((six)) four years as otherwise provided in ((RCW 29.13.060)) section 10 of this amendatory act.

Sec. 7. Section 10, chapter 131, Laws of 1969 as amended by section 6, chapter 21, Laws of 1973 2nd ex. sess. and RCW 28A.57.435 are each amended to read as follows:

Within thirty days after March 25, 1969, the school boards of any school ((districts)) district of the first class having ((an enrollment of fifty thousand pupils)) within its boundaries a city with a population of four hundred thousand people 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)) four 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, section 10 of this amendatory act, 29.21.180, 29.21.210 and 29.21.230, each as now or hereafter amended.

Sec. 8. Section 2, chapter 10, Laws of 1970 ex. sess. as amended by section 7, chapter 21, Laws of 1973 2nd 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 any school ((districts)) district of the first class having ((an enrollment of fifty thousand pupils)) within its boundaries a city with a population of four hundred thousand people 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. 9. Section 29.21.210, chapter 9, Laws of 1965 as last amended by section 8, chapter 21, Laws of 1973 2nd ex. sess. and RCW 29.21.210 are each amended to read as follows:

Except for any school ((districts)) district of the first class having ((an enrollment of fifty thousand pupils)) within its boundaries a city with a population of four hundred thousand people 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

-
-
-

NEW SECTION. Sec. 10. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.57 RCW a new section to read as follows:

After the effective date of this amendatory act, the election of directors of any first class school district having within its boundaries a city with a population of four hundred thousand people or more and being in a class AA county, shall be to four year terms. The initial four year terms required by this section shall commence upon the expiration of terms in existence at the effective date of this amendatory act. Nothing in this amendatory act shall affect the term of office of any incumbent director of any such first class school district.

Sec. 11. Section 29.13.060, chapter 9, Laws of 1965 and RCW 29.13-.060 are each amended to read as follows:

In class AA and class A counties, first class school districts containing a city of the first class shall hold their election biennially on the Tuesday following the first Monday in November of each odd-numbered year.

Except as provided in section 10 of this amendatory act, the directors to be elected shall be elected for terms of six years and until their successors are elected and qualified.

NEW SECTION. Sec. 12. 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 on July 1, 1979.

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 May 2, 1979.

Passed the House April 4, 1979.

Approved by the Governor May 14, 1979.

Filed in Office of Secretary of State May 14, 1979.

CHAPTER 184

[Engrossed Senate Bill No. 2852]

IMPASSE PROCEDURES FOR UNIFORMED PERSONNEL

AN ACT Relating to impasse procedures for uniformed personnel; amending section 3, chapter 131, Laws of 1973 as last amended by section 1, chapter 14, Laws of 1975-'76 2nd ex. sess. and RCW 41.56.440; amending section 4, chapter 131, Laws of 1973 as last amended by section 2, chapter 14, Laws of 1975-'76 2nd ex. sess. and RCW 41.56.450; amending section 5, chapter 131, Laws of 1973 and RCW 41.56.460; and declaring an emergency.

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

Section 1. Section 3, chapter 131, Laws of 1973 as last amended by section 1, chapter 14, Laws of 1975-'76 2nd ex. sess. and RCW 41.56.440 are each amended to read as follows:

~~((Negotiations between representatives of the public employer and uniformed personnel shall be commenced at least five months prior to the submission of the budget to the legislative body of the public employer. If after a forty-five day period of negotiation between representatives of the public employer and uniformed personnel, an agreement has not been concluded, then an impasse is declared to exist, and either party may voluntarily submit the matters in dispute to mediation, as provided for in RCW 41.56.100. PROVIDED, That this forty-five day time period may be modified by mutual written agreement of the representatives of the public employer and uniformed personnel. If the parties have still not reached agreement after a ten day period of mediation, a fact-finding panel shall be created in the following manner. Each party shall appoint one member within two days; the two appointed members shall then choose a third member within two days who shall act as chairman of the panel. If the two members so appointed cannot agree within two days to the appointment of a third member, either party may request, and the commission shall name a third member who shall be chairman of the fact-finding panel and who may be an employee of the commission. The panel shall begin hearings on the matters in dispute within five days of the formation of the fact-finding panel and shall conclude such hearings and issue findings of fact and recommendations to the parties within thirty days of the date upon which hearings were commenced.~~

~~Reasonable notice of such hearings shall be given to the parties who shall appear and be heard either in person or by counsel or other representative. Hearings shall be informal and the rules of evidence prevailing in judicial proceedings shall not be binding. Minutes of the proceedings shall be taken. Any oral or documentary evidence and other data deemed relevant by the panel may be received in evidence. The panel shall have the power to administer oaths, require the attendance of witnesses, and the production of such books, papers, contracts, agreements, and documents as may be deemed by the panel material to a just determination of the issues in dispute and to issue subpoenas. Costs of each party's appointee shall be paid by the party, and the costs of proceedings otherwise shall be borne by the commission.~~

In making its findings, the fact-finding panel shall be mindful of the legislative purpose enumerated in RCW 41.56.430 and as additional standards of guidelines to aid it in developing its recommendations, it shall take into consideration those factors set forth in RCW 41.56.460.)

Negotiations between a public employer and the bargaining representative in a unit of uniformed personnel shall be commenced at least five months prior to the submission of the budget to the legislative body of the public employer. If no agreement has been reached sixty days after the commencement of such negotiations then, at any time thereafter, either party may declare that an impasse exists and may submit the dispute to the commission for mediation, with or without the concurrence of the other party. The commission shall appoint a mediator, who shall forthwith meet with the representatives of the parties, either jointly or separately, and shall take such other steps as he or she may deem appropriate in order to persuade the parties to resolve their differences and effect an agreement: PROVIDED, That a mediator does not have a power of compulsion.

Sec. 2. Section 4, chapter 131, Laws of 1973 as last amended by section 2, chapter 14, Laws of 1975-'76 2nd ex. sess. and RCW 41.56.450 are each amended to read as follows:

~~(If an agreement has not been reached within forty-five days after mediation and fact-finding has commenced, an arbitration panel shall be created in the following manner: Each party shall submit a list of three persons to the commission, which shall then name one from each list as members to the panel, all within two days: PROVIDED, That this forty-five day time period may be modified by mutual written agreement of the representatives of the public employer and uniformed personnel. The two appointed members shall utilize one of the two following options in the appointment of the third member, who shall act as chairman of the panel: (1) By mutual consent, the two appointed members may jointly request the commission, and the commission shall appoint a third member within two days of such request. Costs of each party's appointee shall be borne by each party respectively; other costs of the arbitration proceedings shall be borne by the commission; or (2) The two appointed members shall choose a third member within two days. The costs of each party's appointee shall be borne by each party respectively, and the costs of the proceedings otherwise shall be shared equally between the parties.~~

~~If the two members so appointed under alternative (2) cannot agree within two days to the appointment of a third member, either party may apply to the superior court of the county where the labor disputes exist and request that the third member of the panel be appointed as provided by RCW 7.04.050. The panel thus composed shall be deemed an agency of the executive director and a state agency for the purposes of *this 1973 amendatory act. The panel shall hold hearings on the matters in dispute within~~

five days after the formation of the arbitration panel and take oral or written testimony:

~~Reasonable notice of such hearings shall be given to the parties who shall appear and be heard either in person or by counsel or other representative. Hearings shall be informal and the rules of evidence prevailing in judicial proceedings shall not be binding. A recording of the proceedings shall be taken. Any oral or documentary evidence and other data deemed relevant by the panel may be received in evidence. The panel shall have the power to administer oaths, require the attendance of witnesses, and the production of such books, papers, contracts, agreements and documents as may be deemed by the panel material to a just determination of the issues in dispute and to issue subpoenas. If any person refuses to obey such subpoena or refuses to be sworn to testify, or any witness, party or attorney of a party is guilty of any contempt while in attendance at any hearing held hereunder, the panel may invoke the jurisdiction of the superior court in the county where a labor dispute exists and such court shall have jurisdiction to issue an appropriate order. Any failure to obey such order may be punished by the court as a contempt thereof.~~

~~The hearing conducted by the panel shall be concluded within twenty days of the time of commencement and, within fifteen days after conclusion of the hearings, the chairman shall make written findings of fact and a written determination of the dispute based upon the issues presented, a copy of which shall be mailed or otherwise delivered to the employees' negotiating agent or its attorney or other designated representative and to the employer or the employer's attorney or designated representative. The decision made by the panel shall be final and binding upon both parties, subject to review by the superior court upon the application of either party solely upon the question of whether the decision of the panel was arbitrary or capricious:))~~

If an agreement has not been reached following a reasonable period of negotiations and mediation, and the executive director, upon the recommendation of the assigned mediator, finds that the parties remain at impasse, then an arbitration panel shall be created to resolve the dispute. Within five days following the issuance of the determination of the executive director, each party shall name one person to serve as its arbitrator on the arbitration panel. The two members so appointed shall meet within five days following the appointment of the later appointed member to attempt to choose a third member to act as the neutral chairman of the arbitration panel. Upon the failure of the arbitrators to select a neutral chairman within five days, the two appointed members shall utilize one of the two following options in the appointment of the third member, who shall act as chairman of the panel: (1) By mutual consent, the two appointed members may jointly request the commission, and the commission shall appoint a

third member within two days of such request. Costs of each party's appointee shall be borne by each party respectively; other costs of the arbitration proceedings shall be borne by the commission; or (2) either party may apply to the commission, the federal mediation and conciliation service or the American Arbitration Association to provide a list of five qualified arbitrators from which the neutral chairman shall be chosen. Each party shall pay the fees and expenses of its arbitrator, and the fees and expenses of the neutral chairman shall be shared equally between the parties.

The arbitration panel so constituted shall promptly establish a date, time, and place for a hearing and shall provide reasonable notice thereof to the parties to the dispute, provided, that the requirements of chapter 34.04 RCW do not apply to such notice. A hearing, which shall be informal, shall be held, and each party shall have the opportunity to present evidence and make argument. No member of the arbitration panel may present the case for a party to the proceedings. The rules of evidence prevailing in judicial proceedings may be considered, but are not binding, and any oral testimony or documentary evidence or other data deemed relevant by the chairman of the arbitration panel may be received in evidence. A recording of the proceedings shall be taken. The arbitration panel shall have the power to administer oaths, require the attendance of witnesses, and require the production of such books, papers, contracts, agreements, and documents as may be deemed by the panel to be material to a just determination of the issues in dispute. If any person refuses to obey a subpoena issued by the arbitration panel, or refuses to be sworn or to make an affirmation to testify, or any witness, party, or attorney for a party is guilty of any contempt while in attendance at any hearing held hereunder, the arbitration panel may invoke the jurisdiction of the superior court in the county where the labor dispute exists, and such court shall have jurisdiction to issue an appropriate order. Any failure to obey such order may be punished by the court as a contempt thereof. The hearing conducted by the arbitration panel shall be concluded within twenty-five days following the selection or designation of the neutral chairman of the arbitration panel, unless the parties agree to a longer period.

The neutral chairman shall consult with the other members of the arbitration panel and, within thirty days following the conclusion of the hearing, the neutral chairman shall make written findings of fact and a written determination of the issues in dispute, based on the evidence presented. A copy thereof shall be served on the commission, on each of the other members of the arbitration panel, and on each of the parties to the dispute. That determination shall be final and binding upon both parties, subject to review by the superior court upon the application of either party solely upon the question of whether the decision of the panel was arbitrary or capricious.

Sec. 3. Section 5, chapter 131, Laws of 1973 and RCW 41.56.460 are each amended to read as follows:

In making its determination, the panel shall be mindful of the legislative purpose enumerated in RCW 41.56.430 and as additional standards or guidelines to aid it in reaching a decision, it shall take into consideration the following factors:

- (a) The constitutional and statutory authority of the employer.
- (b) Stipulations of the parties.
- (c) Comparison of the wages, hours and conditions of employment of the uniformed personnel of cities and counties involved in the proceedings with the wages, hours, and conditions of employment of uniformed personnel of cities and counties respectively of similar size on the west coast of the United States.
- (d) The average consumer prices for goods and services, commonly known as the cost of living.
- (e) Changes in any of the foregoing circumstances during the pendency of the proceedings.
- (f) Such other factors, not confined to the foregoing, which are normally or traditionally taken into consideration in the determination of wages, hours and conditions of employment.

~~((g) Findings of fact made by the fact-finder pursuant to RCW 41.56.440.))~~

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 April 2, 1979.

Passed the House May 4, 1979.

Approved by the Governor May 14, 1979.

Filed in Office of Secretary of State May 14, 1979.

CHAPTER 185

[Engrossed Second Substitute Senate Bill No. 3033]

IRRIGATION DISTRICTS—HYDROELECTRIC GENERATION DEVELOPMENT—POWERS AND DUTIES

AN ACT Relating to irrigation districts; amending section 2, chapter 138, Laws of 1923 as last amended by section 1, chapter 206, Laws of 1967 and RCW 87.03.015; amending section 11, page 677, Laws of 1889-90 as last amended by section 5, chapter 129, Laws of 1921 and RCW 87.03.115; amending section 37, page 690, Laws of 1889-90 as last amended by section 7, chapter 171, Laws of 1939 and RCW 87.03.445; amending section 2, chapter 31, Laws of 1933 and RCW 87.03.450; amending section 11, chapter 162, Laws of 1917 as last amended by section 1, chapter 70, Laws of 1970 ex. sess. and RCW 87.03.485; amending section 1, chapter 57, Laws of 1949 as amended by section 1, chapter 74, Laws of 1973 and RCW 87.28.010; amending section 2, chapter 57, Laws of 1949 as last amended by section 2, chapter 74, Laws of 1973 and RCW 87.28.020; amending section 3, chapter 57, Laws of 1949 as amended by section 3, chapter 74, Laws of 1973 and RCW 87.28.030; amending section 4, chapter 57, Laws of 1949 and RCW 87.28.035; amending section 5, chapter 57, Laws of 1949 and RCW 87.28.040; amending section 8,

chapter 57, Laws of 1949 and RCW 87.28.100; amending section 9, chapter 57, Laws of 1949 and RCW 87.28.103; creating a new section; adding new sections to chapter 87.03 RCW; adding new sections to chapter 87.28 RCW; and declaring an emergency.

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

NEW SECTION. Section 1. The legislature finds that a significant potential exists for the development of the hydroelectric generation capabilities of present and future irrigation systems serving irrigation districts. The legislature also finds that the development of such hydroelectric generation capabilities is beneficial to the present and future electrical needs of the citizens of the state of Washington, furthers a state purpose and policy, and is in the public interest. The legislature further finds that it is necessary to revise and add to the authority of irrigation districts to obtain the most favorable interest rates possible in the financing of irrigation district projects which serve the agricultural community and hydroelectric facilities. It is the intent of the legislature to provide irrigation districts with the authority to develop these hydroelectric generation capabilities in connection with irrigation facilities. Further, it is the intent of the legislature that the development of hydroelectric generation capabilities pursuant to this 1979 act not become the sole purpose or function of irrigation districts in existence on the effective date of this 1979 act, nor become a major function of irrigation districts created after that date. Nothing herein shall authorize an irrigation district to sell electric power or energy to any municipal corporation not engaged in the distribution of electric power or energy.

Sec. 2. Section 2, chapter 138, Laws of 1923 as last amended by section 1, chapter 206, Laws of 1967 and RCW 87.03.015 are each amended to read as follows:

Any irrigation district, operating and maintaining an irrigation system, in addition to other powers conferred by law, shall have authority:

(1) To purchase(;) and sell electric power to the inhabitants of the irrigation district for the purposes of irrigation and domestic use, to acquire, construct, and lease dams, canals, plants, transmission lines, and other power equipment and the necessary property and rights therefor and to operate, improve, repair, and maintain the same, for the generation and transmission of electrical energy(~~(, used in the operation of pumping plants and irrigation systems of the district, and to sell the surplus of any such electrical energy over and above the requirements of the irrigation districts to municipalities, public and private corporations and individuals, on such terms and conditions as the board of directors shall determine))~~ for use in the operation of pumping plants and irrigation systems of the district and for sale to the inhabitants of the irrigation district for the purposes of irrigation and domestic use; and, as a further and separate grant of authority and in furtherance of a state purpose and policy of developing hydroelectric

capability in connection with irrigation facilities, to construct, finance, acquire, own, operate, and maintain, alone or jointly with other irrigation districts, boards of control, other municipal or quasi municipal corporations or cooperatives authorized to engage in the business of distributing electricity, or electrical companies subject to the jurisdiction of the utilities and transportation commission, hydroelectric facilities including but not limited to dams, canals, plants, transmission lines, other power equipment, and the necessary property and rights therefor, located within or outside the district, for the purpose of utilizing for the generation of electricity, water power made available by and as a part of the irrigation water storage, conveyance, and distribution facilities, waste ways, and drainage water facilities which serve irrigation districts, and to sell any and all the electric energy generated at any such hydroelectric facilities or the irrigation district's share of such energy, to municipal or quasi municipal corporations and cooperatives authorized to engage in the business of distributing electricity, and electrical companies subject to the jurisdiction of the utilities and transportation commission, or to other irrigation districts, and on such terms and conditions as the board of directors shall determine, and to enter into contracts with other irrigation districts, boards of control, other municipal or quasi municipal corporations and cooperatives authorized to engage in the business of distributing electricity, and electrical companies subject to the jurisdiction of the utilities and transportation commission: PROVIDED, That no contract entered into by ~~((such))~~ the board of directors of any irrigation district for the sale of electrical energy ~~((to continue))~~ from such hydroelectric facility for a period longer than ~~((ten))~~ forty years from the date of commercial operation of such hydroelectric facility shall be binding on the district until ratified by a majority vote of the electors of the district at an election therein, called, held and canvassed for that purpose in the same manner as that provided by law for district bond elections.

(2) To construct, repair, purchase, maintain or lease a system for the sale or lease of water to the owners of irrigated lands within the district for domestic purposes.

(3) To construct, repair, purchase, lease, acquire, operate and maintain a system of drains, sanitary sewers, and sewage disposal or treatment plants as herein provided.

(4) To assume, as principal or guarantor, any indebtedness to the United States under the federal reclamation laws, on account of district lands.

(5) To maintain, repair, construct and reconstruct ditches, laterals, pipe lines and other water conduits used or to be used in carrying water for irrigation of lands located within the boundaries of a city or town or for the domestic use of the residents of a city or town where the owners of land within such city or town shall use such ~~((irrigation))~~ works to carry water to the boundaries of such city or town for irrigation, domestic or other purposes within such city or town, and to charge to such city or town the pro

rata proportion of the cost of such maintenance, repair, construction and reconstruction work in proportion to the benefits received by the lands served and located within the boundaries of such city or town, and if such cost is not paid, then and in that event said irrigation district shall have the right to prevent further water deliveries through such ~~((irrigation))~~ works to the lands located within the boundaries of such city or town until such charges have been paid.

(6) To acquire, install and maintain as a part of the irrigation district's water system the necessary water mains and fire hydrants to make water available for fire fighting purposes; and in addition any such irrigation district shall have the authority to repair, operate and maintain such hydrants and mains.

(7) To enter into contracts with ~~((another))~~ other irrigation ~~((district or))~~ districts ~~((or))~~, boards of control ~~((to))~~, municipal or quasi municipal corporations and cooperatives authorized to engage in the business of distributing electricity, and electrical companies subject to the jurisdiction of the utilities and transportation commission to jointly acquire, construct, own, operate, and maintain ~~((for, or partially for, such district or districts or board of control;))~~ irrigation ~~((and drainage))~~ water, domestic water, drainage and sewerage works, and electrical power works to the same extent as authorized by subsection (1) of this section, or portions of such works ~~((; where it is concerned with, and will be affected by, the operation and maintenance thereof))~~.

(8) To acquire from a water district wholly within the irrigation district's boundaries, by a conveyance without cost, the water district's water system and to operate the same to provide water for the domestic use of the irrigation district residents. As a part of its acceptance of the conveyance the irrigation district must agree to relieve the water district of responsibility for maintenance and repair of the system. Any such water district is authorized to make such a conveyance if all indebtedness of the water district, except local improvement district bonds, has been paid and the conveyance has been approved by a majority of the water district's electors voting at a general or special election.

This section shall not be construed as in any manner abridging any other powers of an irrigation district conferred by law.

Sec. 3. Section 11, page 677, Laws of 1889-90 as last amended by section 5, chapter 129, Laws of 1921 and RCW 87.03.115 are each amended to read as follows:

The directors of the district shall organize as a board and shall elect a president from their number, and appoint a secretary, who shall keep a record of their proceedings. The office of the directors and principal place of business of the district shall be at some place in the county in which the organization was effected, to be designated by the directors. The directors shall hold a regular monthly meeting at their office, on the first Tuesday in

every month, or on such other day in each month as the board shall direct in their bylaws, and may adjourn any meeting from time to time as may be required for the proper transaction of business. Special meetings ~~((may)) shall be called ((at any time by order of a majority of the directors, but in case all directors do not join in said order, the secretary shall give the members not joining, five days' notice of such meeting, which notice shall specify what business shall be transacted, and none other than that specified shall be transacted at such special meeting: PROVIDED, That if all members of the board are present, no order for said special meeting shall be necessary and any business may be transacted at such special meeting as could be transacted at a regular meeting)) and conducted in the manner required by chapter 42.30 RCW. All meetings of the directors must be public. A majority of the directors shall constitute a quorum for the transaction of business, and in all matters requiring action by the board there shall be a concurrence of at least a majority of the directors. All records of the board shall be open to the inspection of any electors during business hours. The board shall have the power, and it shall be its duty, to adopt a seal of the district, to manage and conduct the business and affairs of the district, to make and execute all necessary contracts, to employ and appoint such agents, officers and employees as may be necessary and prescribe their duties, and to establish equitable bylaws, rules and regulations for the government and management of the district, and for the equitable distribution of water to the lands within the district, upon the basis of the beneficial use thereof, and generally to perform all such acts as shall be necessary to fully carry out the provisions of this chapter(~~(, including the acquisition, construction and operation and maintenance of drainage works and waste-ways))~~): PROVIDED, That all water, the right to the use of which is acquired by the district under any contract with the United States shall be distributed and apportioned by the district in accordance with the acts of congress, and rules and regulations of the secretary of the interior until full reimbursement has been made to the United States, and in accordance with the provisions of said contract in relation thereto. The bylaws, rules and regulations must be printed in convenient form for distribution in the district. All leases, contracts, or other form of holding any interest in any state or other public lands shall be, and the same are hereby declared to be title to and evidence of title to lands and for all purposes within this act, shall be treated as the private property of the lessee or owner of the contractual or possessory interest: PROVIDED, That nothing in this section shall be construed to affect the title of the state or other public ownership, nor shall any lien for such assessment attach to the fee simple title of the state or other public ownership. The board of directors shall have authority to develop and to sell, lease, or rent the use of: (1) Water ~~((or power))~~ derived from the operation of the district ~~((irrigation or drainage works for delivery to occupants of public or other lands situated within or adjacent to the district, or~~~~

~~to municipal corporations, at such prices and on such terms as it deems best)) water facilities to such municipal and quasi municipal entities, the state of Washington, and state entities and agencies, public and private corporations and individuals located within and outside the boundaries of the district and on such terms and conditions as the board of directors shall determine; and (2) power derived from hydroelectric facilities authorized by RCW 87.03.015(1) as now or hereafter amended, to such municipal or quasi municipal corporations and cooperatives authorized to engage in the business of distributing electricity, electrical companies subject to the jurisdiction of the utilities and transportation commission, and other irrigation districts and on such terms and conditions as the board of directors shall determine: PROVIDED, No water ((or power)) shall be furnished for use outside of said district until all demands and requirements for water ((and power)) for use in said district are furnished and supplied by said district: AND PROVIDED FURTHER, That as soon as any public lands situated within the limits of the district shall be acquired by any private person, or held under any title of private ownership, the owner thereof shall be entitled to receive his proportion of water as in case of other land owners, upon payment by him of such sums as shall be determined by the board, and at the time to be fixed by the board, which sums shall be such equitable amount as such lands should pay having regard to placing said lands on the basis of equality with other lands in the district as to benefits received, and giving credit if equitable for any sums paid as water rent by the occupant of said lands prior to the vesting of private ownership, and such lands shall also become subject to all taxes and assessments of the district thereafter imposed.~~

NEW SECTION. Sec. 4. There is added to chapter 87.03 RCW a new section to read as follows:

For the purpose of developing hydroelectric generation capabilities in connection with irrigation facilities, the board of directors of an irrigation district shall have the power, in accordance with procedures provided in this chapter, to acquire, either by purchase or condemnation, or other legal means, all lands, waters, water rights, and other property located within or outside the boundaries of the district necessary for the construction, use, supply, maintenance, repair, or improvement of hydroelectric facilities to the extent authorized by RCW 87.03.015(1), as now or hereafter amended.

Irrigation districts are prohibited from condemning: (1) Any hydroelectric power plants, hydroelectric power sites, power lines or other power facilities or any lands, water rights, or other property of municipal and quasi municipal corporations, cooperatives authorized to engage in the business of distributing electricity, and electrical companies subject to the jurisdiction of the utilities and transportation commission; and (2) water rights held by private individual landowners where such waters are being put to beneficial use.

Sec. 5. Section 37, page 690, Laws of 1889-90 as last amended by section 7, chapter 171, Laws of 1939 and RCW 87.03.445 are each amended to read as follows:

The cost and expense of purchasing and acquiring property, and construction, reconstruction, extension and betterment of the works and improvements herein provided for, and the expenses incidental thereto, and indebtedness to the United States for district lands assumed by the district, and for the carrying out of the purposes of this chapter, may be paid for by the board of directors out of the funds received from bond sales as well as other district funds.

For the purpose of defraying the costs and expenses of the organization of the district, and of the care, operation, management, maintenance, repair and improvement of the district and its irrigation water, domestic water, ~~((electrical))~~ electric power, drainage, or ~~((telephone system and appliances))~~ sewer facilities or of any portion thereof, or for the payment of any indebtedness due the United States or the state of Washington, or for the payment of district bonds, the board may either fix rates or tolls and charges, and collect the same from all persons for whom district service is made available for irrigation water, domestic water, electric ~~((energy))~~ power, drainage or sewerage, and other purposes, or ~~((they))~~ it may provide for the payment of said costs and expenses by a levy of assessment therefor, or by both said rates or tolls and charges and assessment ~~((; if by the latter method, such levy))~~.

If the assessment method is utilized, the levy of assessments shall be made on the completion and equalization of the assessment roll each year, and the board shall have the same powers and functions for the purpose of said levy as possessed by it in case of levy to pay bonds of the district. The procedure for the collection of assessments by such levy shall in all respects conform with the provisions of this chapter, relating to the collection of assessments for the payment of principal and interest of bonds herein provided for, and shall be made at the same time.

If the rates or tolls and charges method is adopted in whole or in part, the secretary shall deliver to the board of directors, within the time for filing the assessment roll, a schedule containing the names of the ~~((persons to whom the toll is to be charged or to whom the property is assessed, the description))~~ owners or reputed owners, as shown on the rolls of the county treasurer as of the first Tuesday in November of each year such a schedule is filed of the various parcels of land against which rates or tolls and charges are to be levied, the description of each such parcel of land and the amount to be charged against each parcel for irrigation water, domestic water, electric power, drainage, sewerage and other ~~((public uses))~~ district costs and expenses. Said schedule of rates or tolls and charges shall be equalized pursuant to the same notice, in the same manner, at the same time and with the same legal effect as in the case of assessments. Such schedule of rates or

tolls and charges for a given year shall be filed with the proper county treasurer within the same time as that provided by law for the filing of the annual assessment roll, and the county treasurer shall collect and receipt for the payment of said rates or tolls and charges and credit them to the proper funds of the district. The board may designate the time and manner of making such collections and shall require the same to be paid in advance of delivery of water and other service ~~((and may accept short term interest bearing notes with or without collateral in their discretion for any portion of such charges. The board may also base such charges upon the quantity of water to be delivered and may fix a minimum charge to be paid by each acre of land within the district which shall represent the delivery of a stated quantity of water in acre feet with the graduated charge for each additional acre-foot of water delivered))~~. All tolls and charges levied shall also at once become and constitute an assessment upon and against the lands for which they are levied, with the same force and effect, and the same manner of enforcement, and with the same rate of interest from date of delinquency, in case of nonpayment, as other district assessments.

As an alternative method of imposing, collecting, and enforcing such rates or tolls and charges, the board may also base such rates or tolls and charges upon the quantity of irrigation water, domestic water, or electric power delivered, or drainage or sewage disposed of, and may fix a minimum rate or toll and charge to be paid by each parcel of land or use within the district for the delivery or disposal of a stated quantity of each such service with a graduated charge for additional quantities of such services delivered or disposed of. If the board elects to utilize this alternative method of imposing, collecting, and enforcing such rates or tolls and charges, there shall be no requirement that the schedule referred to in the preceding paragraph be prepared, be filed with the board of directors by the secretary, be equalized, or be filed with a county treasurer. The board shall enforce collection of such rates or tolls and charges against property to which and its owners to whom the service is available, such rates or tolls and charges being deemed charges against the property to which the service is available. The board may provide by resolution that where such rates or tolls and charges are delinquent for any specified period of time, the district shall certify the delinquencies to the treasurer of the county in which the real property is located, and the charges and any penalties added thereto and interest thereon at the rate not to exceed twelve percent per annum fixed by resolution shall be a lien against the property to which the service was available, subject only to the lien for general taxes. The district may, at any time after such rates or tolls and charges and penalties provided for herein are delinquent for a period of one year, bring suit in foreclosure by civil action in the superior court of the county in which the real property is situated. The court may allow, in addition to the costs and disbursements provided by statute, such attorney's fees as it may adjudge reasonable. The action shall

be in rem against the property, and in addition may be brought in the name of the district against an individual, or against all of those who are delinquent, in one action, and the rules of the court shall control as in other civil actions. The board may in the same year use the assessment method for part of the lands in the district and the rates or tolls and charges method for the remaining lands in the district in such proportion as it may deem advisable for the best interest of the district.

~~((All tolls and charges levied shall also at once become and constitute an assessment upon and against the lands for which they are levied, with the same force and effect, and the same manner of enforcement, and with the same rate of interest from date of delinquency, in case of nonpayment, as other district assessments.))~~

The procedures herein provided for the collection and enforcement of rates, tolls and charges also shall be applicable and available to the districts board of directors for the collection and enforcement of charges for water imposed by contract entered into or administered by the district's board of directors.

Sec. 6. Section 2, chapter 31, Laws of 1933 and RCW 87.03.450 are each amended to read as follows:

All income derived from the sale, delivery and distribution of electrical energy, shall be deposited with the county treasurer of the county in which the office of the board of directors of the district is located, and shall be apportioned to such fund or funds of the district authorized by law, as the board of directors shall deem advisable~~((:PROVIDED, That such income, or any part of the same, may, upon a favorable vote of the electors of the district at an election therein called, held and canvassed for that purpose, in the same manner as that provided by law for district bond elections, be pledged, in addition to income from district assessments)), including, but not limited to the payment of district bonds or any portion of the same ((on the face of which the substance of such pledge must be endorsed,))~~ for which such revenues have been pledged and thereafter said income, or such portion thereof so pledged, shall be placed by the county treasurer to the credit of the fund from which said bonds are required to be paid until the same or the portion thereof secured by such pledge are fully paid.

Sec. 7. Section 11, chapter 162, Laws of 1917 as last amended by section 1, chapter 70, Laws of 1970 ex. sess. and RCW 87.03.485 are each amended to read as follows:

In the event that the said board shall approve said petition, the board shall fix a time and place for the hearing thereof and shall publish a notice once a week for two consecutive weeks preceding the date of such hearing and the last publication shall not be more than seven days before such date and shall mail such a notice on or before the second publication date by first class mail, postage prepaid, to each owner or reputed owner of real property within the proposed local improvement district, as shown on the rolls of the

county treasurer as of a date not more than twenty days immediately prior to the date such notice was mailed. Such notice must be published in a newspaper of general circulation in each county in which any portion of the land proposed to be included in such local improvement district lies. Such notice shall state that the lands within said described boundaries are proposed to be organized as a local improvement district, stating generally the nature of the proposed improvement; that bonds for such local improvement district are proposed to be issued as the bonds of the irrigation district, or that a contract is proposed to be entered into between the district and the United States or the state of Washington, or both, that the lands within said local improvement district are to be assessed for such improvement, that such bonds or contract will be a primary obligation of such local improvement district and a general obligation of the irrigation district and stating a time and place of hearing thereon. At the time and place of hearing named in said notice, all persons interested may appear before the board and show cause for or against the formation of the proposed improvement district and the issuance of bonds or the entering into of a contract as aforesaid. Upon the hearing the board shall determine as to the establishment of the proposed local improvement district. Any landowner whose lands can be served or will be benefited by the proposed improvement, may make application to the board at the time of hearing to include such land and the board of directors in such cases shall, at its discretion, include such lands within such district. The board of directors may exclude any land specified in said notice from said district provided, that in the judgment of the board, the inclusion thereof will not be practicable.

As an alternative plan and subject to all of the provisions of this chapter, the board of directors may initiate the organization of a local improvement district as herein provided. To so organize a local improvement district the board shall adopt and record in its minutes a resolution specifying the lands proposed to be included in such local improvement district or by describing the exterior boundaries of such proposed district or by both. Said resolution shall state generally the plan, character and extent of the proposed improvements, that the land proposed to be included in such improvement district will be assessed for such improvements; that coupon bonds of the irrigation district will be issued or a contract entered into as hereinabove in this section provided to meet the cost thereof and that such bonds or contract will be a primary obligation of such local improvement district and a general obligation of the irrigation district. Said resolution shall fix a time and place of hearing thereon and shall state that unless a majority of the holders of title or of evidence of title to lands within the proposed local improvement district file their written protest at or before said hearing, consent to the improvement will be implied.

A notice containing a copy of said resolution must be published once a week for two consecutive weeks preceding the date of such hearing and the

last publication shall not be more than seven days before such date, and shall be mailed on or before the second publication date by first class mail, postage prepaid, to each owner or reputed owner of real property within the proposed local improvement district, as shown on the rolls of the county treasurer as of a date not more than twenty days immediately prior to the date such notice was mailed, and the hearing thereon shall not be held in less than twenty days from the adoption of such resolution. Such notice must be published in one newspaper, of general circulation, in each county in which any portion of the land proposed to be included in such local improvement district lies. Said hearing shall be held and all subsequent proceedings conducted in accordance with the provisions of this act relating to the organization of local improvement districts initiated upon petition.

Sec. 8. Section 1, chapter 57, Laws of 1949 as amended by section 1, chapter 74, Laws of 1973 and RCW 87.28.010 are each amended to read as follows:

The board of directors of any irrigation district in this state which is furnishing or may furnish irrigation water, domestic water ((service)), electric power ((service, a system of drains, or a system of sanitary sewer and sewage disposal or treatment plants)), drainage or sewerage services for which rates or tolls and charges are imposed or contract payments made, or any combination of such services, shall have authority to issue and sell bonds of the district payable from revenues derived from district rates or tolls and charges or contract payments for such service or services ((for the benefit of such service and the facilities therefor)), and ((the)) to pledge such revenues from one or more of ((the)) such services ((may be pledged)) for the payment and retirement of bonds issued for ((water, sewer, and electric)) irrigation water, domestic water, electric power, and drainage or sewer improvements: PROVIDED, That nothing in this section shall authorize a district which is not on March 8, 1973, engaged in providing electrical service permission to pledge revenue from water and sewer service to support the issuance of revenue bonds for the acquisition or construction of electrical power facilities other than those authorized by RCW 87.03.015(1), as now or hereafter amended.

Sec. 9. Section 2, chapter 57, Laws of 1949 as last amended by section 2, chapter 74, Laws of 1973 and RCW 87.28.020 are each amended to read as follows:

Said bonds shall be in such form as the board of directors shall determine ((and shall be payable to bearer, shall be in denominations of not less than one hundred dollars nor more than five thousand dollars, shall be numbered from one and up consecutively; shall bear the date of their issue, shall be payable at such time or times up to a maximum period of not to exceed forty years)); shall be in bearer form or registered as to principal or interest or both, and may provide for conversion between registered and coupon bonds; shall be in such denominations, shall be numbered, shall bear

such date and shall be payable at such time or times up to a maximum of not to exceed forty years as shall be determined by the board of directors; shall bear interest at ((a)) such rate or rates ((aH)), payable at such time or times as authorized by the board of directors ((payable semiannually, evidenced by coupons attached to said bonds)); shall be payable at the office of the county treasurer of the county in which the principal office of the district is located or at such other place as the board of directors shall provide and specify in the bonds; shall be executed by the president of the board of directors and attested and sealed by the secretary thereof and may have facsimile signatures of the president and secretary imprinted on the interest coupons in lieu of original signatures and the facsimile seal of the district and the facsimile signature of either the president or the secretary on the bonds in lieu of a manual signature. Said bonds may provide that the same or any part thereof at the option of the board of directors may be redeemed in advance of maturity on any interest payment date upon the terms and conditions established by the board, may include in the amount of the issue funds for the purpose of paying interest on the bonds during the period of construction of the facility being financed by the proceeds of the bonds, and may include in the amount of the issue funds for the purpose of establishing, maintaining, or increasing reserves in the manner, for the purposes, and subject to the restrictions set forth in RCW 39.44.140.

Sec. 10. Section 3, chapter 57, Laws of 1949 as amended by section 3, chapter 74, Laws of 1973 and RCW 87.28.030 are each amended to read as follows:

The board of directors of the issuing district shall have authority and is required to create a special fund ((to be designated revenue bond fund)) or funds to be carried in said county treasurer's office for the account of the district for the sole purpose of paying the interest and principal of such bonds((, into which special fund said)). The board of directors of the issuing district shall obligate and bind the district to set aside and pay into such special fund or funds a fixed proportion, or any fixed amount of and not exceeding a fixed proportion of, or a fixed amount or amounts without regard to any fixed proportion of the gross revenues from the charges made by the district for the irrigation water, domestic water ((service and/or)), the electric power ((service, and/or)), drainage, or sewer service, or any combination of such services as the case may be, for which the bonds are issued, and such bonds and the interest thereon shall be payable only out of such special fund or funds but shall be a lien and charge against all revenues received for ((such)) the service or services ((superior)) the revenues of which are pledged to such fund or funds and payments received from any utility local improvement district or districts pledged to secure such bonds, subject only to operating and maintenance expenses of such service.

Sec. 11. Section 4, chapter 57, Laws of 1949 and RCW 87.28.035 are each amended to read as follows:

In creating such special fund or funds the board of directors of the district shall have due regard for the cost of the operation and maintenance of the district system required by the district to furnish said irrigation water, domestic water ((service or)), electric power, drainage, or sewer service, as the case may be, and shall not set aside into such special fund a greater amount or proportion of the revenue of such service or services, than, in its judgment, will be available over and above such cost of maintenance and operation and the amount or proportion, if any, of the revenue ((so)) previously pledged to such special fund or funds.

Sec. 12. Section 5, chapter 57, Laws of 1949 and RCW 87.28.040 are each amended to read as follows:

Any such bonds, and interest thereon, issued against ~~((such))~~ a special fund as herein provided shall be a valid claim of the holder thereof only as against said special fund or funds and its fixed proportion or amount of the ~~((annual))~~ revenue pledged to such fund or funds and shall not constitute a general indebtedness against the issuing irrigation district. Each such bond shall state upon its face that it is payable from ~~((such))~~ a special fund or funds only, naming ~~((it))~~ the special fund or funds and the resolution creating ~~((it))~~ the fund or funds.

Sec. 13. Section 8, chapter 57, Laws of 1949 and RCW 87.28.100 are each amended to read as follows:

When ~~((such))~~ a special fund has been created and ~~((such))~~ bonds have been issued as herein provided, the fixed proportion or amount of ~~((said))~~ the revenues((:)) pledged to the payment of the bonds and interest~~((:))~~ shall be set aside and paid into the special fund~~((:))~~ monthly as collected, as provided in the resolution creating the fund, and in case any irrigation district shall fail thus to set aside and pay said fixed proportion or amount as aforesaid, the holder of any bond against ~~((said))~~ the special fund may bring appropriate court action against the district and compel such setting aside and payment.

Sec. 14. Section 9, chapter 57, Laws of 1949 and RCW 87.28.103 are each amended to read as follows:

When the ~~((board of))~~ directors of the district have decided to issue revenue bonds as herein provided, they shall call a special election in the irrigation district at which election shall be submitted to the electors thereof possessing the qualifications prescribed by law the question whether revenue bonds of the district in the amount and payable according to the plan of payment adopted by the board and for the purposes therein stated shall be issued. Said election shall be called, noticed, conducted and canvassed in the same manner as provided by law for irrigation district elections to authorize an original issue of bonds payable from revenues derived from annual assessments upon the real property in the district: **PROVIDED,** That the board of directors shall have full authority to issue revenue bonds as herein

provided payable within a maximum period of ~~((ten))~~ forty years without a special election: AND PROVIDED, FURTHER, That any irrigation district indebted to the state of Washington shall get the written consent of the director of the department of ~~((conservation and development))~~ ecology prior to the issuance of said revenue bonds.

NEW SECTION. Sec. 15. There is added to chapter 87.03 RCW a new section to read as follows:

Every member of an irrigation district board of directors is subject to recall and discharge by the legal voters of such district pursuant to the provisions of chapter 29.82 RCW.

NEW SECTION. Sec. 16. There is added to chapter 87.03 RCW a new section to read as follows:

As used in this chapter, in accordance with RCW 87.03.440, the term "county treasurer" or "treasurer of the county" or other reference to that office means the treasurer of the district, if the district has designated its own treasurer, unless the context clearly requires otherwise.

NEW SECTION. Sec. 17. There is added to chapter 87.28 RCW a new section to read as follows:

As used in this chapter, in accordance with RCW 87.03.440, the term "county treasurer" or "treasurer of the county" or other reference to that office means the treasurer of the district, if the district has designated its own treasurer, unless the context clearly requires otherwise.

NEW SECTION. Sec. 18. There is added to chapter 87.28 RCW a new section to read as follows:

Irrigation districts may also issue interest bearing warrants to provide interim financing pending the issuance of district revenue bonds. The items, form and content, and the manner of the issuance and sale of such interest bearing warrants as well as any covenants for the redemption of such warrants shall be established by resolution of the district's board of directors.

NEW SECTION. Sec. 19. There is added to chapter 87.28 RCW a new section to read as follows:

Any irrigation district shall have the power to establish utility local improvement districts within its territory and to levy special assessments within such utility local improvement districts in the same manner as provided for irrigation district local improvement districts: PROVIDED, That it must be specified in any petition for the establishment of a utility local improvement district that the sole purpose of the assessments levied against the real property located within the utility local improvement district shall be the payment of the proceeds of those assessments into the revenue bond fund for the payment of revenue bonds, that no warrants or bonds shall be issued in any such utility local improvement district, and that the collection of interest and principal on all assessments in such utility local improvement district, when collected, shall be paid into the revenue bond fund.

NEW SECTION. Sec. 20. There is added to chapter 87.28 RCW a new section to read as follows:

The board of directors of any irrigation district may by resolution convert any then existing local improvement district into a utility local improvement district at any time prior to the adoption of a resolution approving and confirming the initial assessment roll of such local improvement district. The resolution so converting the local improvement district shall provide for the payment of the special assessments levied in that district into the special fund established or to be established for the payment of revenue bonds issued to defray the cost of the local improvement district.

NEW SECTION. Sec. 21. There is added to chapter 87.28 RCW a new section to read as follows:

The board of directors may make such covenants as it may deem necessary to secure and guarantee the payment of the principal of and interest on revenue bonds of the district, including but not being limited to covenants for: The establishment and maintenance of adequate reserves to secure or guarantee the payment of such principal and interest; the protection and disposition of the proceeds of sale of such bonds; the use and disposition of the gross revenues of the service or services of the district providing revenues for the payment of such bonds and any additions or betterments thereto or extensions thereof; the use and disposition of any utility local improvement district assessments; the creation and maintenance of funds for renewals and replacements of the service or services providing revenues for the payment of such bonds; the establishment and maintenance of rates and charges adequate to pay principal and interest of such bonds and to maintain adequate coverage over debt service; the maintenance, operation, and management of the service or services providing revenues for the payment of such bonds and the accounting, insuring, and auditing of the business in connection therewith; the terms upon which such bonds or any of them may be redeemed at the election of the district; limitations upon the right of the district to dispose of its service or services providing revenues for the payment of such bonds or any part thereof; the appointment of trustees, depositaries, and paying agents to receive, hold, disburse, invest, and reinvest all or any part of the income, revenue, and receipts of the district; and the board of directors may make such other covenants as it may deem necessary to accomplish the most advantageous sale of such bonds. The board of directors may also provide that revenue bonds payable out of the same source or sources may later be issued on a parity with any revenue bonds being issued and sold.

NEW SECTION. Sec. 22. There is added to chapter 87.28 RCW a new section to read as follows:

The board of directors of any irrigation district may, by resolution, without submitting the matter to the voters of the district, provide for the issuance of refunding revenue bonds to refund one or more of the following:

Outstanding assessment bonds, revenue bonds, contracts with the United States or state of Washington, or any part thereof, and all outstanding local improvement district bonds, at maturity thereof, or before maturity thereof if they are subject to call for prior redemption or if all of the holders thereof consent thereto. The refunding bonds shall be issued in the manner and for the purposes set forth in chapter 39.53 RCW.

Whenever district bonds or contracts payable in whole or part from assessments have been refunded pursuant to this section, all assessments remaining unpaid shall thereafter when collected be paid into the revenue bond redemption fund established for payment of the refunding revenue bonds, and the cash balances, if any, in the reserve or guaranty funds for such refunded bonds and the proceeds received from any other assets owned by such funds shall be used in whole or in part as a reserve or guaranty fund for the refunding revenue bonds or be transferred in whole or in part to any other funds of the district as the board of directors may determine. In the event that any warrants are outstanding against the local improvement guaranty fund of the district at the time of the issuance of such refunding revenue bonds, said bonds shall be issued in an amount sufficient also to fund and pay such outstanding warrants.

NEW SECTION. Sec. 23. If any provision of this 1979 act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 24. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate May 2, 1979.

Passed the House May 1, 1979.

Approved by the Governor May 14, 1979.

Filed in Office of Secretary of State May 14, 1979.

CHAPTER 186

[Substitute House Bill No. 1308]

MOBILE HOME LANDLORD-TENANT ACT—REVISIONS, ADDITIONS

AN ACT Relating to landlords and tenants; amending section 3, chapter 279, Laws of 1977 ex. sess. and RCW 59.20.030; amending section 4, chapter 279, Laws of 1977 ex. sess. and RCW 59.20.040; amending section 5, chapter 279, Laws of 1977 ex. sess. and RCW 59.20.050; amending section 6, chapter 279, Laws of 1977 ex. sess. and RCW 59.20.060; amending section 7, chapter 279, Laws of 1977 ex. sess. and RCW 59.20.070; amending section 8, chapter 279, Laws of 1977 ex. sess. and RCW 59.20.080; amending section 9, chapter 279, Laws of 1977 ex. sess. and RCW 59.20.090; amending section 2, chapter 190, Laws of 1915 as amended by section 1, chapter 138, Laws of 1955 and RCW 19.48-.020; and adding new sections to chapter 59.20 RCW.

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

Section 1. Section 3, chapter 279, Laws of 1977 ex. sess. and RCW 59.20.030 are each amended to read as follows:

For purposes of this chapter:

(1) "Landlord" means the owner of a mobile home park and includes the agents of a landlord;

(2) "Mobile home lot" means a portion of a mobile home park designated as the location of one mobile home and its accessory buildings, and intended for the exclusive use ~~((of))~~ as a primary residence by the occupants of that mobile home;

(3) "Mobile home park" means any real property which is rented or held out for rent to others for the placement of two or more mobile homes for the primary purpose of production of income, except where such real property is rented or held out for rent for seasonal recreational purpose only and is not intended for year-round occupancy;

(4) "Tenant" means any person, except a transient, who rents a mobile home lot;

(5) "Transient" means a person who rents a mobile home lot for a period of less than one month.

Sec. 2. Section 4, chapter 279, Laws of 1977 ex. sess. and RCW 59.20.040 are each amended to read as follows:

This chapter shall regulate and determine legal rights, remedies, and obligations arising from any rental agreement between a landlord and a tenant regarding a mobile home lot and including specified amenities within the mobile home park, whose uses are referred to as a part of the rent structure paid by the tenant. All such rental agreements shall be unenforceable to the extent of any conflict with any provision of this chapter. Chapter 59.12 RCW shall be applicable only in implementation of the provisions of this chapter and not as an alternative remedy to this chapter which shall be exclusive where applicable: PROVIDED, That the provision of RCW 59.12.090, 59.12.100, and 59.12.170 shall not apply to any rental agreement included under the provisions of this chapter. RCW 59.18.370 through 59.18.410 shall be applicable to any action of forcible entry or detainer or unlawful detainer arising from a tenancy under the provisions of this chapter. Rentals of mobile homes themselves are governed by the Residential Landlord-Tenant Act, chapter 59.18 RCW.

Sec. 3. Section 5, chapter 279, Laws of 1977 ex. sess. and RCW 59.20.050 are each amended to read as follows:

(1) On and after September 21, 1977, no landlord may offer a mobile home lot for rent without offering to a prospective tenant a written rental agreement for a term of one year or more. No landlord may offer to a tenant or prospective tenant any rental agreement for a term of one year or more for which the monthly rental is greater, or the terms of payment or

other material conditions more burdensome to the tenant, than any month-to-month rental agreement also offered to such tenant or prospective tenant.

A prospective tenant who desires to occupy a mobile home lot for other than a term of one year or more may have the option to be on a month-to-month basis but must waive, in writing, the right to such one year or more term. Except pursuant to such waiver, no landlord shall allow a mobile home to be moved into a mobile home park in this state until a written rental agreement has been signed by the landlord and the tenant and a copy provided for the tenant: PROVIDED, That if the landlord allows the tenant to move a mobile home into a mobile home park without obtaining a written rental agreement for a term of one year or more, or a written waiver of the right to a one-year term or more, the term of the tenancy shall be deemed to be for one year from the date of occupancy of the mobile home lot;

(2) The requirements of subsection (1) of this section shall not apply if:

(a) The mobile home park or part thereof has been acquired or is under imminent threat of condemnation for a public works project, or

(b) An employer-employee relationship exists between a landlord and tenant;

(3) The provisions of this section shall apply to any tenancy in existence prior to September 21, 1977, upon expiration of the term of any oral or written rental agreement governing such tenancy.

Sec. 4. Section 6, chapter 279, Laws of 1977 ex. sess. and RCW 59.20-.060 are each amended to read as follows:

(1) Any ((rental agreement executed between the landlord and tenant)) mobile home lot tenancy regardless of the term, shall be based upon a written rental agreement, signed by the parties, which shall contain:

(a) The terms for the payment of rent, including time and place, and any additional charges to be paid by the tenant. Additional charges that occur less frequently than monthly shall be itemized in a billing to the tenant;

(b) Reasonable rules for guest parking which shall be clearly stated;

(c) The rules and regulations of the park;

(d) The name and address of the person who is the landlord, and if such person does not reside in the state where the mobile home park is located there shall also be designated by name and address a person who resides in the county where the mobile home park is located who is authorized to act as agent for the purposes of service of notices and process. If no designation is made of a person to act as agent, then the person to whom rental payments are to be made shall be considered the agent; ~~((and))~~

(e) The terms and conditions under which any deposit or portion thereof may be withheld by the landlord upon termination of the rental agreement if any moneys are paid to the landlord by the tenant as a deposit or as security for performance of the tenant's obligations in a rental agreement;

(f) A listing of those utilities and services which will be provided at the time the rental agreement is executed and will continue to be offered for the term of tenancy and the nature of the fees, if any, to be charged; and

(g) A description of the boundaries of a mobile home lot sufficient to inform the tenant of the exact location of his lot in relation to other tenants' lots.

(2) Any rental agreement executed between the landlord and tenant shall not contain:

(a) Any provision which allows the landlord to charge a fee for guest parking unless a violation of the rules for guest parking occurs: **PROVIDED**, That a fee may be charged for guest parking which covers an extended period of time as defined in the rental agreement;

(b) Any provision which authorizes the towing or impounding of a vehicle except upon notice to the owner thereof or the tenant whose guest is the owner of said vehicle;

(c) Any provision which allows the landlord to increase the rent or alter the due date for rent payment during the term of the rental agreement: **PROVIDED**, That a rental agreement may include an escalation clause for a pro rata share of any increase in the mobile home park's real property taxes or utility assessments or charges, over the base taxes or utility assessments or charges of the year in which the rental agreement took effect, if the clause also provides for a pro rata reduction in rent or other charges in the event of a reduction in real property taxes or utility assessments or charges, below the base year;

(d) Any provision by which the tenant agrees to waive or forego rights or remedies under this chapter; ~~((or))~~

(e) Any provision allowing the landlord to charge an "entrance fee" or an "exit fee"; or

(f) Any provision which allows the landlord to charge a fee for guests: **PROVIDED**, That a landlord may establish rules charging for guests who remain on the premises for more than fifteen days in any sixty-day period.

Sec. 5. Section 7, chapter 279, Laws of 1977 ex. sess. and RCW 59.20-.070 are each amended to read as follows:

A landlord shall not:

(1) Deny any tenant the right to sell such tenant's mobile home within a park or require the removal of the mobile home from the park solely because of the sale thereof: **PROVIDED**, That:

(a) A rental agreement for a fixed term shall be assignable by the tenant to any person to whom he sells or transfers title to the mobile home, subject to the approval of the landlord after fifteen days' written notice of such intended assignment;

(b) The assignee of the rental agreement shall assume all the duties and obligations of his assignor for the remainder of the term of the rental

agreement unless, by mutual agreement, a new rental agreement is entered into with the landlord; and

(c) The landlord shall approve or disapprove of the assignment of a rental agreement on the same basis that the landlord approves or disapproves of any new tenant; ~~((or))~~

(2) Restrict the tenant's freedom of choice in purchasing goods or services but may reserve the right to approve or disapprove any exterior structural improvements on a mobile home lot: PROVIDED, That door-to-door solicitation in the mobile home park may be restricted in the rental agreement;

(3) Prohibit meetings by tenants of the mobile home park to discuss mobile home living and affairs, conducted at reasonable times and in an orderly manner on the premises, nor penalize any tenant for participation in such activities;

(4) (a) Evict a tenant, terminate a rental agreement, decline to renew a rental agreement, increase rental or other tenant obligations, decrease services, or modify park rules in retaliation for any of the following actions on the part of a tenant taken in good faith:

(i) Filing a complaint with any state, county, or municipal governmental authority relating to any alleged violation by the landlord of an applicable statute, regulation, or ordinance;

(ii) Requesting the landlord to comply with the provision of this chapter or other applicable statute, regulation, or ordinance of the state, county, or municipality;

(iii) Filing suit against the landlord for any reason;

(iv) Participation or membership in any homeowners association or group;

(b) In determining whether an action by a landlord is retaliatory, the presumptions set forth in RCW 59.18.250 shall apply; or

(5) Charge to any tenant a utility fee in excess of actual utility costs.

Sec. 6. Section 8, chapter 279, Laws of 1977 ex. sess. and RCW 59.20-.080 are each amended to read as follows:

~~((Tenancy during the term of a rental agreement may be terminated by the landlord only))~~ (1) Except as provided in subsection (2) of this section, the landlord shall not terminate a tenancy, of whatever duration, except for one or more of the following reasons:

~~((+))~~ (a) Substantial or repeated violation of the rules of the mobile home park as established by the landlord at the inception of the tenancy or as assumed subsequently with the consent of the tenant or for violation of the tenant's duties as provided in section 9 of this act as now or hereafter amended. The tenant shall be given written notice of a fifteen day period in which to comply or vacate: PROVIDED, That in the case of a violation of a "material change" in park rules with respect to pets, tenants with minor children living with them, or recreational facilities, the tenant shall be given

written notice of a six month period in which to comply or vacate. In the case of periodic rather than continuous violation, said notice shall specify that the same violation repeated shall result in termination;

~~((2))~~ (b) Nonpayment of rent or other charges specified in the rental agreement, upon five days written notice to pay rent and/or other charges or to vacate;

~~((3))~~ (c) Conviction of the tenant of a crime, commission of which threatens the health, safety, or welfare of the other mobile home park tenants. The tenant shall be given written notice of a fifteen day period in which to vacate;

(d) Failure of the tenant to comply with local ordinances and state laws and regulations relating to mobile homes or mobile home living within a reasonable time after the tenant's receipt of notice of such noncompliance from the appropriate governmental agency;

(e) Change of land use of the mobile home park: PROVIDED, That the landlord shall give the tenants twelve months' notice in advance of the proposed effective date of such change.

(2) A landlord may terminate any tenancy without cause. Such termination shall be effective six months from the date the landlord serves notice of termination upon the tenant or at the end of the current tenancy, whichever is later: PROVIDED, That a landlord may not terminate a tenancy for any reason or basis which is prohibited under RCW 59.20.070(3) or (4), as now or hereafter amended.

Sec. 7. Section 9, chapter 279, Laws of 1977 ex. sess. and RCW 59.20.090 are each amended to read as follows:

(1) Unless otherwise agreed rental agreements shall be for a term of one year. Any rental agreement ~~((for a term of one year and any rental agreement renewed for a six-month term))~~ of whatever duration shall be automatically renewed for an additional six-month term or for the term of the original rental agreement, whichever is shorter unless:

(a) ~~((Otherwise specified in the original written rental agreement))~~ A different specified term is agreed upon; or

(b) The landlord ~~((notifies the tenant in writing three months prior to the expiration of the rental agreement that it will not be renewed or will be renewed only with the changes contained in such notice))~~ serves notice of termination without cause upon the tenant prior to the expiration of the rental agreement: PROVIDED, That under such circumstances, at the expiration of the prior rental agreement the tenant shall be considered a month-to-month tenant upon the same terms as in the prior rental agreement until the tenancy is terminated.

(2) A landlord seeking to increase the rent upon expiration of the term of a rental agreement of any duration shall notify the tenant in writing three months prior to the effective date of any increase in rent: PROVIDED, That if a landlord serves a tenant with notice of a rental increase at the

same time or subsequent to serving the tenant with notice of termination without cause, such rental increase shall not become effective until the date the tenant is required to vacate the leased premises pursuant to the notice of termination or three months from the date notice of rental increase is served, whichever is later.

(3) A tenant shall notify the landlord in writing one month prior to the expiration of a rental agreement of an intention not to renew.

~~((2))~~ (4)(a) The tenant may terminate the rental agreement upon thirty days written notice whenever a change in the location of the tenant's employment requires a change in his residence, and shall not be liable for rental following such termination unless after due diligence and reasonable effort the landlord is not able to rent the mobile home lot at a fair rental. If the landlord is not able to rent the lot, the tenant shall remain liable for the rental specified in the rental agreement until the lot is rented or the original term ends;

~~((3))~~ (b) Any tenant who is a member of the armed forces may terminate a rental agreement with less than thirty days notice if he receives reassignment orders which do not allow greater notice.

NEW SECTION, Sec. 8. It shall be the duty of the landlord to:

(1) Maintain the common premises and prevent the accumulation of stagnant water and to prevent the detrimental effects of moving water when such condition is not the fault of the tenant;

(2) Keep any shared or common premises reasonably clean, sanitary, and safe from defects to reduce the hazards of fire or accident;

(3) Keep all common premises of the mobile home park, not in the possession of tenants, free of weeds or plant growth noxious and detrimental to the health of the tenants and free from potentially injurious or unsightly objects and condition;

(4) Exterminate or make a reasonable effort to exterminate rodents, vermin, or other pests dangerous to the health and safety of the tenant whenever infestation exists on the common premises or whenever infestation occurs in the interior of a mobile home as a result of infestation existing on the common premises;

(5) Maintain and protect all utilities provided to the mobile home in good working condition. Maintenance responsibility shall be determined at that point where the normal mobile home utilities "hook-ups" connect to those provided by the landlord or utility company;

(6) Respect the privacy of the tenants and shall have no right of entry to a mobile home without the prior written consent of the occupant, except in case of emergency or when the occupant has abandoned the mobile home. Such consent may be revoked in writing by the occupant at any time. The ownership or management shall have a right of entry upon the land upon which a mobile home is situated for maintenance of utilities and protection

of the mobile home park at any reasonable time, but not in a manner or at a time which would interfere with the occupant's quiet enjoyment;

(7) Allow tenants freedom of choice in the purchase of goods and services, and not unreasonably restrict access to the mobile home park for such purposes; and

(8) Maintain roads within the mobile home park in good condition.

NEW SECTION. Sec. 9. It shall be the duty of the tenant to pay the rental amount at such times and in such amounts as provided for in the rental agreement or as otherwise provided by law and comply with all obligations imposed upon tenants by applicable provisions of all municipal, county, and state codes, statutes, ordinances and regulations, and in addition the tenant shall:

(1) Keep the mobile home lot which he occupies and uses as clean and sanitary as the conditions of the premises permit;

(2) Properly dispose of all rubbish, garbage, and other organic or flammable waste, in a clean and sanitary manner at reasonable and regular intervals, and assume all costs of extermination and fumigation for infestation caused by the tenant on the tenant's leased premises;

(3) Not intentionally or negligently destroy, deface, damage, impair, or remove any facilities, equipment, furniture, furnishings, fixtures or appliances provided by the landlord, or permit any member of his family, invitee, or licensee, or any person acting under his control to do so; and

(4) Not permit a nuisance or common waste.

NEW SECTION. Sec. 10. (1) Any notice required by this chapter to be given to a tenant shall be served on behalf of the landlord: (a) By delivering a copy personally to the tenant; or (b) if the tenant is absent from the mobile home, by leaving a copy at the mobile home with some person of suitable age and discretion and by sending a copy through the mail addressed to the tenant's place of residence; or (c) if the tenant is absent from the mobile home and a person of suitable age and discretion cannot be found to leave a copy with, then by affixing a copy of the notice in a conspicuous place on the mobile home and also sending a copy through the mail addressed to the tenant at the tenant's last known address.

(2) Any notice required by this chapter to be given to the landlord shall be served by the tenant in the same manner as provided for in subsection (1) of this section, or by mail to the landlord at such place as shall be expressly provided in the rental agreement.

(3) The landlord shall state in any notice of eviction required by RCW 59.20.080(1) as now or hereafter amended the specific reason for eviction in a clear and concise manner.

NEW SECTION. Sec. 11. If any moneys are paid to the landlord by the tenant as a deposit or as security for performance of the tenant's obligations in a rental agreement, such rental agreement shall include the terms

and conditions under which the deposit or portion thereof may be withheld by the landlord upon termination of the rental agreement. If all or part of the deposit may be withheld to indemnify the landlord for damages to the mobile home lot for which the tenant is responsible, the rental agreement shall so specify.

NEW SECTION. Sec. 12. All moneys paid to the landlord by the tenant as a deposit as security for performance of the tenant's obligations in a rental agreement shall promptly be deposited by the landlord in a trust account, maintained by the landlord for the purpose of holding such security deposits for tenants of the landlord, in a bank, savings and loan association, mutual savings bank, or licensed escrow agent located in Washington. Unless otherwise agreed in writing, the landlord shall be entitled to receipt of interest paid on such trust account deposits. The landlord shall provide the tenant with a written receipt for the deposit and shall provide written notice of the name and address and location of the depository and any subsequent change thereof. If during a tenancy the status of landlord is transferred to another, any sums in the deposit trust account affected by such transfer shall simultaneously be transferred to an equivalent trust account of the successor landlord, and the successor landlord shall promptly notify the tenant of the transfer and of the name, address and location of the new depository. The tenant's claim to any moneys paid under this section shall be prior to that of any creditor of the landlord, including a trustee in bankruptcy or receiver, even if such moneys are commingled.

NEW SECTION. Sec. 13. Within fourteen days after the termination of the rental agreement and vacation of the mobile home lot, the landlord shall give a full and specific statement of the basis for retaining any of the deposit together with the payment of any refund due the tenant under the terms and conditions of the rental agreement. No portion of any deposit shall be withheld on account of wear resulting from ordinary use of the mobile home lot.

The statement shall be delivered to the tenant personally or by mail to the last known address. If the landlord fails to give such statement together with any refund due the tenant within the time limits specified above such landlord shall be liable to the tenant for the full amount of the refund due. In any action brought by the tenant to recover the deposit, the prevailing party shall be entitled to the cost of suit or arbitration including a reasonable attorney's fee.

Nothing in this chapter shall preclude the landlord from proceeding against, and the landlord shall have the right to proceed against a tenant to recover sums exceeding the amount of the tenant's damage or security deposit for damage to the property for which the tenant is responsible together with reasonable attorney's fees and costs of suit.

Sec. 14. Section 2, chapter 190, Laws of 1915 as amended by section 1, chapter 138, Laws of 1955 and RCW 19.48.020 are each amended to read as follows:

Every hotel and trailer camp shall keep a record of the arrival and departure of its guests in such a manner that the record will be a permanent one for at least one year from the date of departure: PROVIDED, That this requirement shall not apply with respect to guests of tenants in mobile home parks, as defined in RCW 59.20.030.

NEW SECTION. Sec. 15. Sections 8 through 12 of this 1979 act are each added to chapter 59.20 RCW.

****NEW SECTION. Sec. 16. This chapter may be known and cited as the floating home landlord-tenant act.***

*Sec. 16 was vetoed, see message at end of chapter.

****NEW SECTION. Sec. 17. Every duty under this chapter and every act which must be performed as a condition precedent to the exercise of a right or remedy under this chapter imposes an obligation of good faith in its performance or enforcement.***

*Sec. 17 was vetoed, see message at end of chapter.

****NEW SECTION. Sec. 18. For the purposes of this chapter:***

(1) "Landlord" means the owner of a floating home moorage business and includes the agents of a landlord;

(2) "Floating home site" means a portion of a floating home moorage located over water designated or otherwise made available and intended by the owner as the moorage location of a floating structure, and its accessory buildings, constructed on a float or nonnavigable barge, the primary use of which is intended for the nontransient human habitation use of the occupants of the floating home. A navigable waterborne boat, ship, or vessel, regardless of size or propellant power, is not a floating home within the meaning and definition of floating home or accessory building(s) set forth in this chapter;

(3) "Floating home moorage" means any waterfront or wetland facility for the mooring, anchoring, or other securing of one or more floating homes, and the land and water premises on which the moorage is located, any portion of which is rented or held out for rent to others for the placement of one or more floating homes for the primary purpose of production of rental or moorage fee income to the lessor.

The definition of floating home moorage does not apply to those portions of real properties, waterfront, or wetland facilities used by a landlord for the placement of floating homes for the purpose of service, repair, storage without human habitation, use, or for day-to-day transient human habitation use for periods not to exceed thirty days of continuous duration where the transient day-to-day habitation is related to the purpose of service, repair, storage without human habitation use, or transient use;

(4) "Tenant" means any person, except a transient, who rents a floating home site;

(5) "Transient" means any person who rents a floating home site for a period of less than one month.

*Sec. 18 was vetoed, see message at end of chapter.

***NEW SECTION. Sec. 19.** This chapter regulates and determines legal rights, remedies, and obligations arising from any rental agreement between a landlord and a tenant regarding a floating home site. All such rental agreements shall be unenforceable to the extent of any conflict with any provision of this chapter. Chapter 59.12 RCW is applicable only in implementation of this chapter and not as an alternative remedy to this chapter, which shall be exclusive where applicable: PROVIDED, That RCW 59.12.090, 59.12.100, and 59.12.170 do not apply to any rental agreement included under this chapter. RCW 59.18.370 through 59.18.410 are applicable to any action of forcible entry or detainer or unlawful detainer arising from a tenancy under this chapter; and RCW 90.58.050 applies to floating home moorages and sites. Rentals of floating homes themselves are governed by the Residential Landlord-tenant Act, chapter 59.18 RCW.

*Sec. 19 was vetoed, see message at end of chapter.

***NEW SECTION. Sec. 20. (1)** On and after September 30, 1979, no landlord may offer a floating home site for rent or moorage fee without offering to the prospective tenant a written rental agreement for a term of not less than one year. A prospective tenant who desires to occupy a floating home site for less than a term of one year or more may have the option to be on a month-to-month oral or written lease basis but must waive, in writing, the right to such one year or more term. Except pursuant to such waiver, no landlord shall allow a floating home to be moved into a floating home moorage in this state until a written rental or moorage fee agreement has been signed by the landlord and the tenant and a copy provided the tenant: PROVIDED, That if the landlord allows the tenant to move his or her floating home into a floating home moorage and a written rental or mortgage fee agreement has not been executed by the parties or the rental agreement or moorage agreement is silent as to the length of the term and no written waiver of the one-year term requirement has been executed, the term will be presumed to be for one year from the date of occupancy of the moorage site.

(2) The requirements of subsection (1) of this section do not apply if:

(a) The respective floating home moorage or respective part thereof has been acquired or is under imminent threat of condemnation for a public works project;

(b) An employer-employee relationship exists between the landlord and tenant; or

(c) The landlord is a lessee or devisee for term of the floating home moorage and, at the time of the offer to rent or for moorage fee to the prospective tenant, the landlord's tenancy or devise will expire in less than the

otherwise one-year term, and there exists no option to extend or renew, in which event the offer to rent to the prospective tenant may be on a written month-to-month tenancy conditioned on the tenant being offered a new written rental agreement by the landlord for a term as provided in subsection (1) of this section if the landlord during any such monthly tenancy acquires or is devised a fee or leasehold interest in the floating home moorage, whereby from the date of the acquisition or devise the landlord's fee or leasehold interest would enable a rental or moorage for a term of not less than one year.

(3) This section applies to any floating home site tenancy in existence prior to September 30, 1979, upon expiration of the term of any oral or written rental agreement governing the tenancy.

**Sec. 20 was vetoed, see message at end of chapter.*

****NEW SECTION. Sec. 21. (1) Any rental agreement executed between the landlord and tenant shall contain:***

(a) The terms for the payment of rent, including time, place, and person within the county of the floating home moorage to whom the rent or moorage fee shall be delivered, and any additional charges to be paid by the tenant. Additional charges that occur less frequently than monthly shall be itemized when billed to the tenant;

(b) Reasonable rules for applicable land or water guest parking or guest moorage, which shall be clearly stated;

(c) The rules and regulations of the floating home moorage;

(d) The name and address of the person who is the landlord. If the person does not reside in the county where the floating home moorage is located, there shall also be designated by name and address a person who resides in the county where the floating home moorage is located who is authorized to act as agent for the purposes of service of notice and process. If no designation is so made of a person to act as agent, then the person who is named by the landlord to whom rental payments are to be made or delivered within the county of the moorage shall be considered the agent; and

(e) The terms and conditions under which any deposit or portion thereof may be withheld by the landlord upon termination of the rental agreement if any moneys are paid to the landlord by the tenant as a deposit or as security for performance of the tenant's obligations in the rental agreement.

(2) Any rental agreement executed between the landlord and tenant shall not contain:

(a) Any provision which allows the landlord to charge a fee for guest parking or guest boat moorage unless a violation of the rules for guest parking or boat moorage occurs: PROVIDED, That a fee may be charged for guest parking or boat moorage which covers an extended period of time of twelve hours or more as defined in the rental agreement;

(b) Any provision which authorizes the towing or impounding of a vehicle or boat except upon notice to the owner thereof or the tenant whose guest is

the owner or user of the vehicle or boat. "Vehicle" includes an automobile, truck, tractor, whether of the wheel or crawler type, and aircraft;

(c) Any provision which allows the landlord to increase the rent or alter the due date for rent payment during the term of the rental agreement: PROVIDED, That a rental agreement may include an escalation clause for a pro rata share of any increase in the floating home moorage's real property taxes or utility assessments or charges, over the base taxes or utility assessments or charges of the year in which the rental agreement took effect, if the clause also provides for a pro rata reduction in rent or other charges in the event of a reduction in real property taxes or utility assessments or charges, below the base year;

(d) Any provision by which the tenant agrees to waive or forego rights or remedies under this chapter; or

(e) Any provision allowing the landlord to charge an "entrance fee" or an "exit fee."

**Sec. 21 was vetoed, see message at end of chapter.*

****NEW SECTION. Sec. 22. A landlord shall not:***

(1) Deny any tenant the right to sell the tenant's floating home within a moorage or require the removal of the floating home from the moorage solely because of the sale thereof: PROVIDED, That:

(a) A rental agreement for a fixed term shall be assignable by the tenant to any person to whom the tenant sells or transfers title to the floating home, subject to the approval of the landlord after fifteen days' written notice to the landlord of such intended assignment and the landlord's right to require guarantee of the tenant for the balance of rentals or moorage fees to the end of the assigned term;

(b) The assignee of the rental agreement shall assume all the duties and obligations of the assignor for the remainder of the term of the rental agreement unless, by mutual agreement, a new rental agreement is entered into with the landlord; and

(c) The landlord shall approve or disapprove of the assignment of a rental agreement on the same basis that the landlord approves or disapproves of any new tenant; or

(2) Restrict the tenant's freedom of choice in purchasing goods or services but may reserve the right to approve or disapprove any exterior structural improvements to the floating home or to the floating home moorage site: PROVIDED, That door-to-door solicitation in the floating home moorage may be restricted in the rental agreement.

**Sec. 22 was vetoed, see message at end of chapter.*

****NEW SECTION. Sec. 23. Tenancy during the term of a rental agreement may be terminated by the landlord only for one or more the of following reasons:***

(1) Substantial or repeated violation of the rules of the floating home moorage as established by the landlord at the inception of the tenancy or as

assumed subsequently with the consent of the tenant. The tenant shall be given written notice of a fifteen-day period in which to comply or vacate. In the case of periodic rather than continuous violation, the notice shall specify that the same violation repeated shall result in termination,

(2) Nonpayment of rent or other charges specified in the rental agreement, upon five days written notice to pay rent and/or other charges or to vacate;

(3) Conviction of the tenant of a crime, commission of which has threatened or interfered with the health, safety, or welfare of the other floating home moorage tenants. The tenant shall be given written notice of a fifteen-day period following conviction, whether appealed, in which to vacate;

(4) Failure of the tenant, after receiving written notice of objection from the landlord, to abate a nuisance for which tenant or tenant's household members or guests are responsible in or about tenant's moorage site, causing substantial damage to the moorage property, or substantially interfering with the quiet and peaceful possession, safety, and enjoyment of other tenants and their properties.

**Sec. 23 was vetoed, see message at end of chapter.*

**NEW SECTION. Sec. 24. (1) Unless otherwise agreed, rental agreements shall be for a term of not less than one year. Any rental agreement for a term of one year and any rental agreement renewed for a six-month term shall be automatically renewed for one additional six-month term unless:*

(a) Otherwise specified in the original written rental agreement; or

(b) The landlord notifies the tenant in writing three months prior to the expiration of the rental agreement or of any rental agreement renewed for a six-month term that it will not be renewed or will be renewed only with the changes contained in the notice.

A tenant shall notify the landlord in writing one month prior to the expiration of a rental agreement of an intention not to renew.

(2) Except as in this chapter provided for payment of rent or moorage fee, the tenant may otherwise terminate the rental agreement upon thirty days written notice whenever a change in the location, of not less than twenty miles ground distance each way from the leased site, of the tenant's employment requires a change in the tenant's residence, and shall not be liable for rental following the termination unless after due diligence and reasonable effort the landlord is not able to rent the floating home site at a fair rental or moorage fee. Unless otherwise defined in the rental agreement, fair rental or moorage fee as used in this subsection may not be less than eighty percent nor more than one hundred percent of the rental or moorage fee specified in the terminated agreement. If the landlord is not able to so rent the site, the tenant shall remain liable for the rental specified in the rental agreement until the site is rented or the original term or renewal thereof ends.

(3) Any tenant who is a member of the armed forces may terminate a rental agreement and payment of rent from date of vacating the site with less

than thirty days notice if the tenant receives change of duty station orders which do not allow greater notice.

*Sec. 24 was vetoed, see message at end of chapter.

***NEW SECTION. Sec. 25.** *Structural or affixed moorage improvements, purchased and installed by a tenant on a floating home site, shall remain the property of the landlord and may not be removed or disposed of by the tenant prior to or at termination of the tenancy unless otherwise agreed to by the landlord: PROVIDED, That a tenant shall leave the floating home site in substantially the same or better condition than upon taking possession.*

*Sec. 25 was vetoed, see message at end of chapter.

***NEW SECTION. Sec. 26.** *In any action arising out of this chapter, the prevailing party shall be entitled to reasonable attorneys' fees and costs.*

*Sec. 26 was vetoed, see message at end of chapter.

***NEW SECTION. Sec. 27.** *Venue for any action arising under this chapter shall be in the district or superior court of the county in which the floating home site is located.*

*Sec. 27 was vetoed, see message at end of chapter.

***NEW SECTION. Sec. 28.** *The provisions of this chapter shall not be construed so as to preempt any local ordinance which is not inconsistent with this chapter.*

*Sec. 28 was vetoed, see message at end of chapter.

***NEW SECTION. Sec. 29.** *Sections 14 through 26 of this act shall constitute a new chapter in Title 59 RCW.*

*Sec. 29 was vetoed, see message at end of chapter.

NEW SECTION. Sec. 30. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the House April 27, 1979.

Passed the Senate April 16, 1979.

Approved by the Governor May 15, 1979 with the exception of Sections 16-29 which are vetoed.

Filed in Office of Secretary of State May 15, 1979.

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

"I am returning herewith without my approval as to several sections Substitute House Bill No. 1308 entitled:

"AN ACT Relating to landlords and tenants;"

I am in support of Sections 1-15 of this act that consist of revisions and additions to the mobile home landlord-tenant act.

Sections 16-29 of Substitute House Bill No. 1308 would establish a floating home landlord-tenant act and is modeled after the 1977 mobile home act. Nearly all of the floating homes covered by the act are in Seattle. There, the demand for moorage sites and the difficulties in obtaining new sites have created a situation that Seattle brought under control by ordinance in 1977. Two major objectives of

that ordinance are to protect tenants from exorbitant rent increases and arbitrary evictions. The floating home act portion of Substitute House Bill No. 1308 would preempt certain portions of the Seattle ordinance and would remove the controls on evictions. As a result, tenants with no alternative sites for their homes could be evicted at the termination or conclusion of a rental agreement; this is specifically contrary to the intent of the Seattle ordinance and inappropriate in an act whose purpose is to refine and clarify the rights of both landlords and tenants of mobile homes. Consequently, I think a decision to decontrol this uniquely local situation is an inappropriate action for the state to take. It may be that some redress for the landlord is in order, but if changes need to be made in the Seattle ordinance, they should be undertaken by the City of Seattle.

For the foregoing reasons, I have chosen to veto Sections 16-29 of Substitute House Bill No. 1308. The remainder of the bill is approved."

CHAPTER 187

[Substitute Senate Bill No. 2010]

HOUSING AUTHORITIES—SENIOR CITIZENS' LIVING ACCOMMODATIONS

AN ACT Relating to housing authorities; amending section 35.82.020, chapter 7, Laws of 1965 as amended by section 1, chapter 274, Laws of 1977 ex. sess. and RCW 35.82.020; amending section 35.82.030, chapter 7, Laws of 1965 and RCW 35.82.030; and amending section 35.82.090, chapter 7, Laws of 1965 as amended by section 4, chapter 274, Laws of 1977 ex. sess. and RCW 35.82.090.

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

Section 1. Section 35.82.020, chapter 7, Laws of 1965 as amended by section 1, chapter 274, Laws of 1977 ex. sess. and RCW 35.82.020 are each amended to read as follows:

The following terms, wherever used or referred to in this chapter, shall have the following respective meanings, unless a different meaning clearly appears from the context:

(1) "Authority" or "Housing authority" shall mean any of the public corporations created by RCW 35.82.030.

(2) "City" shall mean any city, town, or code city. "County" shall mean any county in the state. "The city" shall mean the particular city for which a particular housing authority is created. "The county" shall mean the particular county for which a particular housing authority is created.

(3) "Governing body" shall mean, in the case of a city, the city council or the commission and in the case of a county, the county legislative authority.

(4) "Mayor" shall mean the mayor of the city or the officer thereof charged with the duties customarily imposed on the mayor or executive head of the city.

(5) "Clerk" shall mean the clerk of the city or the clerk of the county legislative authority, as the case may be, or the officer charged with the duties customarily imposed on such clerk.

(6) "Area of operation": (a) in the case of a housing authority of a city, shall include such city and the area within five miles from the territorial boundaries thereof: PROVIDED, That the area of operation of a housing

authority of any city shall not include any area which lies within the territorial boundaries of some other city, as herein defined; (b) in the case of a housing authority of a county, shall include all of the county except that portion which lies within the territorial boundaries of any city as herein defined.

(7) "Federal government" shall include the United States of America, the United States housing authority or any other agency or instrumentality, corporate or otherwise, of the United States of America.

(8) "Slum" shall mean any area where dwellings predominate which, by reason of dilapidation, overcrowding, lack of ventilation, light or sanitary facilities, or any combination of these factors, are detrimental to safety, health and morals.

(9) "Housing project" shall mean any work or undertaking: (a) to demolish, clear or remove buildings from any slum area; such work or undertaking may embrace the adaptation of such area to public purposes, including parks or other recreational or community purposes; or (b) to provide decent, safe and sanitary urban or rural dwellings, apartments or other living accommodations for persons of low income; such work or undertaking may include the rehabilitation of dwellings owned by persons of low income, and also may include buildings, land, equipment, facilities and other real or personal property for necessary, convenient or desirable appurtenances, streets, sewers, water service, parks, site preparation, gardening, administrative, community, health, recreational, welfare or other purposes; or (c) without limitation by implication, to provide decent, safe, and sanitary urban and rural dwellings, apartments, mobile home parks, or other living accommodations for senior citizens; such work or undertaking may include buildings, land, equipment, facilities, and other real or personal property for necessary, convenient, or desirable appurtenances, streets, sewers, water service, parks, site preparation, gardening, administrative, community, health, recreational, welfare, or other purposes; or (d) to accomplish a combination of the foregoing. The term "housing project" also may be applied to the planning of the buildings and improvements, the acquisition of property, the demolition of existing structures, the construction, reconstruction, alteration and repair of the improvements and all other work in connection therewith.

(10) "Persons of low income" shall mean persons or families who lack the amount of income which is necessary (as determined by the authority undertaking the housing project) to enable them, without financial assistance, to live in decent, safe and sanitary dwellings, without overcrowding.

(11) "Bonds" shall mean any bonds, notes, interim certificates, debentures, or other obligations issued by the authority pursuant to this chapter.

(12) "Real property" shall include all lands, including improvements and fixtures thereon, and property of any nature appurtenant thereto, or used in connection therewith, and every estate, interest and right, legal or

equitable, therein, including terms for years and liens by way of judgment, mortgage or otherwise and the indebtedness secured by such liens.

(13) "Obligee of the authority" or "obligee" shall include any bondholder, trustee or trustees for any bondholders, or lessor demising to the authority property used in connection with a housing project, or any assignee or assignees of such lessor's interest or any part thereof, and the federal government when it is a party to any contract with the authority.

(14) "Mortgage loan" shall mean an interest bearing obligation secured by a mortgage.

(15) "Mortgage" shall mean a mortgage deed, deed of trust or other instrument securing a mortgage loan and constituting a lien on real property held in fee simple, or on a leasehold under a lease having a remaining term at the time the mortgage is acquired of not less than the term for repayment of the mortgage loan secured by the mortgage, improved or to be improved by a housing project.

(16) "Senior citizen" means a person age sixty-two or older who is determined by the authority to be poor or infirm but who is otherwise in some manner able to provide the authority with revenue which (together with all other available moneys, revenues, income, and receipts of the authority, from whatever sources derived) will be sufficient: (a) To pay, as the same become due, the principal and interest on bonds of the authority; (b) to meet the cost of, and to provide for, maintaining and operating projects (including the cost of insurance) and administrative expenses of the authority; and (c) to create (by not less than the six years immediately succeeding the issuance of any bonds) a reserve sufficient to meet the principal and interest payments which will be due on the bonds in any one year thereafter and to maintain such reserve.

Sec. 2. Section 35.82.030, chapter 7, Laws of 1965 and RCW 35.82.030 are each amended to read as follows:

In each city (as herein defined) and in each county of the state there is hereby created a public body corporate and politic to be known as the "Housing Authority" of the city or county: **PROVIDED, HOWEVER,** That such authority shall not transact any business or exercise its powers hereunder until or unless the governing body of the city or the county, as the case may be, by proper resolution shall declare at any time hereafter that there is need for an authority to function in such city or county. The determination as to whether or not there is such need for an authority to function (1) may be made by the governing body on its own motion or (2) shall be made by the governing body upon the filing of a petition signed by twenty-five residents of the city or county, as the case may be, asserting that there is need for an authority to function in such city or county and requesting that the governing body so declare.

The governing body shall adopt a resolution declaring that there is need for a housing authority in the city or county, as the case may be, if it shall

find (1) that insanitary or unsafe inhabited dwelling accommodations exist in such city or county ((or)); (2) that there is a shortage of safe or sanitary dwelling accommodations in such city or county available to persons of low income at rentals they can afford; or (3) that there is a shortage of safe or sanitary dwellings, apartments, mobile home parks, or other living accommodations available for senior citizens. In determining whether dwelling accommodations are unsafe or insanitary said governing body may take into consideration the degree of overcrowding, the percentage of land coverage, the light, air, space and access available to the inhabitants of such dwelling accommodations, the size and arrangement of the rooms, the sanitary facilities, and the extent to which conditions exist in such buildings which endanger life or property by fire or other causes.

In any suit, action or proceeding involving the validity or enforcement of or relating to any contract of the authority, the authority shall be conclusively deemed to have become established and authorized to transact business and exercise its powers hereunder upon proof of the adoption of a resolution by the governing body declaring the need for the authority. Such resolution or resolutions shall be deemed sufficient if it declares that there is such need for an authority and finds in substantially the foregoing terms (no further detail being necessary) that either or both of the above enumerated conditions exist in the city or county, as the case may be. A copy of such resolution duly certified by the clerk shall be admissible in evidence in any suit, action or proceeding.

Sec. 3. Section 35.82.090, chapter 7, Laws of 1965 as amended by section 4, chapter 274, Laws of 1977 ex. sess. and RCW 35.82.090 are each amended to read as follows:

In the operation and management of rental units which are rented to persons of low income and/or senior citizens in any housing project an authority shall at all times observe the following duties with respect to rentals and tenant selection: (1) it may rent or lease the dwelling accommodations therein to senior citizens or persons of low income and at rentals within the financial reach of such senior citizens or persons of low income; (2) it may rent or lease to a tenant dwelling accommodations consisting of the number of rooms (but no greater number) which it deems necessary to provide safe and sanitary accommodations to the proposed occupants thereof, without overcrowding; and (3) it shall not accept any person as a low income tenant in any housing project designated for persons of low income if the person or persons who would occupy the dwelling accommodations have an annual net income in excess of five times the annual rental of the quarters to be furnished such person or persons, except that in the case of families with three or more minor dependents, such ratio shall not exceed six to one; in computing the rental for this purpose of selecting tenants, there shall be included in the rental the average annual cost (as determined by the authority) to occupants of heat, water, electricity, gas, cooking range and other necessary

services or facilities, whether or not the charge for such services and facilities is in fact included in the rental. This income limitation does not apply to housing projects designated for senior citizens.

Nothing contained in this section or RCW 35.82.080 shall be construed as limiting the power of an authority to vest in an obligee the right, in the event of a default by the authority, to take possession of a housing project or cause the appointment of a receiver thereof, free from all the restrictions imposed by this section or RCW 35.82.080.

NEW SECTION. Sec. 4. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the Senate May 8, 1979.

Passed the House May 7, 1979.

Approved by the Governor May 17, 1979.

Filed in Office of Secretary of State May 17, 1979.

CHAPTER 188

[Substitute Senate Bill No. 2434]

EDUCATIONAL SERVICES REGISTRATION ACT

AN ACT Regulating certain educational institutions; adding a new chapter to Title 28B RCW; creating new sections; providing civil and criminal penalties; and making an effective date.

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

NEW SECTION. Section 1. This chapter may be cited as the Educational Services Registration Act.

NEW SECTION. Sec. 2. It is the intent of the legislature that a system be established to encourage the fair practice of educational institutions operating in the state of Washington. It is further intended that educational institutions develop and maintain standards of high quality and integrity in their service to students. This chapter:

(1) Requires certain educational institutions to register, submit a statement of organization and file a surety bond on an annual basis.

(2) Requires from registering institutions a statement of compliance with minimum standards concerning the quality of educational services and related activities to protect against substandard, transient, or deceptive educational institutions and practices.

(3) Prohibits the granting of false or misleading educational credentials.

(4) Prohibits the use of inaccurate or misleading literature, advertising, solicitation, or representation by educational institutions.

(5) Establishes means by which individuals may seek redress for violations of this chapter.

NEW SECTION. Sec. 3. The definitions set forth in this section apply throughout this chapter, unless the context clearly indicates to the contrary:

(1) "Educational institution" includes, but is not limited to, an academic, vocational, technical, home study, business, professional, or other school, institution, college, or university, or other organization or person not exempted under section 4 of this act, offering educational credentials, instruction, or services primarily to persons who have completed or terminated their secondary education, or who are beyond the age of compulsory high school attendance, for attainment of educational, professional, or vocational objectives.

(2) "To operate", means to establish, keep, or maintain any facility or location in this state where, from, or through which education is offered or educational credentials are offered or granted, and includes contracting for the performance of any such act.

(3) "To offer" includes, in addition to its usual meanings, to advertise, or publicize. "To offer" shall also mean to solicit or encourage any person, directly or indirectly, to perform the act described.

(4) "To grant" includes to award, issue, sell, confer, bestow, or give.

(5) "Education" or "educational services" includes but is not limited to, any class, course, or program of training, instruction, or study.

(6) "Chief administrative officer" means the person designated by the institution under section 7 of this act.

(7) "Agent" means a person owning an interest in, employed by, or representing for remuneration an educational institution within or without this state, who enrolls or personally attempts to secure the enrollment in such school of a resident of this state, offers to award educational credentials for remuneration on behalf of any such school, or holds himself or herself out to residents of this state as representing an educational institution for any such purpose.

(8) "Educational credentials" means degrees, diplomas, certificates, transcripts, reports, documents, or letters of designation, marks, appellations, series of letters, numbers, or words which signify or appear to signify enrollment, attendance, progress, or satisfactory completion of the requirements or prerequisites for any educational program.

(9) "Entity" includes but is not limited to a person, company, firm, society, association, partnership, corporation, and trust.

(10) "Degree granting institution" shall mean an educational institution, which offers educational credentials, instruction, or services prerequisite to or indicative of an academic or professional degree beyond the secondary level. "Degree granting institution" shall also include any other educational institution which is not a "private vocational school".

(11) "Private vocational school" shall mean an educational institution, the objective of which is to prepare persons to enter, continue in, or upgrade

themselves in gainful employment in recognized occupations which are not designated as professional or requiring a baccalaureate or higher degree.

(12) "Dual purpose institution" shall mean any educational institution which satisfies the definitions of both "degree-granting institution" and "private vocational school". Either the council for postsecondary education or the commission for vocational education may be selected by the "dual purpose institution" for purposes of complying with the requirements of sections 8, 9, 10 and 11 of this chapter.

(13) "Agency" shall mean the council for postsecondary education in the case of degree granting institutions and the commission for vocational education in the case of private vocational schools.

NEW SECTION. Sec. 4. The following education and institutions are exempted from the provisions of this chapter:

(1) Education sponsored by bona fide trade, business, professional, or fraternal organizations primarily for that organization's membership or offered by that organization on a no-fee basis;

(2) Education solely avocational or recreational in nature and institutions offering such education exclusively;

(3) Education offered by charitable institutions, organizations, or agencies: PROVIDED, That such education is not advertised or promoted as leading toward educational credentials;

(4) Institutions that are established, operated, and governed by this state or its political subdivisions under the provisions of Titles 28A, 28B and 28C RCW;

(5) Institutions that have been accredited by any accrediting association recognized by the agency for the purposes of this act: PROVIDED, That an institution, branch, extension or facility operating within the state of Washington which is affiliated with an institution operating in another state must be a separately accredited member institution of any such accrediting association to qualify for this exemption.

(6) Any other institution to the extent that it has been exempted from some or all of the provisions of this chapter in accordance with the hardship exemption procedure in section 13 of this act.

NEW SECTION. Sec. 5. The commission for vocational education with respect to private vocational schools, the council for postsecondary education with respect to degree granting institutions, shall:

(1) Establish more detailed criteria to implement the standards set forth in section 6 of this act;

(2) Maintain a list of educational institutions registered in this state under this chapter, which list shall separately identify dual purpose institutions and be available to the public; upon the registration of a "dual purpose institution" insure that such registration is communicated to the council for postsecondary education and the commission for vocational education;

(3) Adopt reasonable rules and regulations in accordance with chapter 34.04 RCW, the administrative procedure act, for enforcing and carrying out the provisions and purposes of this chapter;

(4) Investigate on its own initiative or in response to any complaint filed with it, any person, group, or entity subject to, or reasonably believed by the agency to be subject to, the jurisdiction of this chapter; and in connection therewith, to administer oaths and affirmations, issue subpoenas, and compel attendance, take evidence and require the production of any books, papers, correspondence, memorandums, or other records which the agency deems relevant or material to such investigation;

(5) Coordinate the policies and rules developed under subsections (1) and (3) of this section so as to develop where possible consistent procedures and standards applicable to degree-granting institutions, private vocational school, and dual purpose institutions.

NEW SECTION. Sec. 6. An educational institution shall be maintained and operated in compliance with the following standards:

(1) The quality and content of each program shall be such as may reasonably and adequately achieve the program objective;

(2) The institution shall have adequate space, equipment, instructional and library materials, and personnel such as may reasonably and adequately achieve program and institutional objectives;

(3) The qualifications of directors, administrators, supervisors, and instructors shall reasonably insure that the students will receive education consistent with institutional objectives;

(4) The institution shall provide students and other interested persons with a catalog or brochure containing information describing enrollment qualifications; programs offered; program objectives; length of program; schedule of tuition, fees, and all other charges and expenses necessary for completion of the course of study; and cancellation and refund policies, all such information to be provided prospective students prior to enrollment. The institution shall also provide such other material facts concerning the institution and the program as are reasonably likely to affect the decision of the student to enroll in the institution, together with any other disclosures specified by the agency and defined in the agency rules;

(5) Upon satisfactory completion of education or training, the student shall be given appropriate educational credentials by the institution indicating that the course or courses of instruction or study have been satisfactorily completed by the student;

(6) Adequate records shall be maintained by the institution to document student performance and progress;

(7) The institution shall be financially sound and capable of meeting its legal financial obligations and fulfilling its commitments to students;

(8) Neither the institution nor its agents shall engage in methods of advertising, sales, collection, credit, or other business practices which are false, deceptive, misleading, or unfair;

(9) Consistent with guidelines adopted by the agency, the institution shall establish a fair and equitable cancellation and refund policy that includes provisions for a cooling-off period, and shall not make unilateral changes in scheduled times for course instruction unless provision is made for an equitable refund of tuition and fees; and

(10) The institution shall not discriminate on the basis of race, religion, sex, handicap, or national origin as prohibited by state or federal law.

NEW SECTION. Sec. 7. Every educational institution must designate an individual as a "chief administrative officer". It will be the responsibility of the chief administrative officer to insure that the institution complies with the registration and other requirements of this chapter.

NEW SECTION. Sec. 8. (1) All educational institutions must initially register with the agency no later than one month prior to the date on which it first offers educational credentials, instruction or services, whichever is sooner: PROVIDED, That institutions which are offering such services at the time of the effective date of this act or which commence such activity within forty-five days after such effective date, shall file their initial registration no later than thirty days after such effective date.

(2) Subsequent to its initial registration an educational institution shall renew its registration annually.

NEW SECTION. Sec. 9. At the time of its initial registration each educational institution shall pay the agency an initial registration fee of two hundred dollars. At each annual renewal of registration each such institution shall pay a renewal fee of one hundred dollars to the agency. All fees collected pursuant to this section shall be deposited in the state general fund.

NEW SECTION. Sec. 10. At the time an educational institution initially registers it shall file with the agency a statement of organization, in a form determined by the agency, which shall include the following information:

(1) Name and address of the institution and a statement of whether it is a "degree-granting institution", "private vocational school" or "dual purpose institution".

(2) Name and address of the owners of the institution, if the institution is incorporated then the names and addresses of the directors and of any shareholders holding more than a ten percent interest shall be listed.

(3) Name and address of the chief administrative officer of the institution and all agents of the institution as defined in section 3 (6) and (7), respectively, of this act.

(4) A copy of each of the materials that the institution is required to supply prospective students prior to enrollment in accordance with section 6(4) of this act.

(5) Any other information which the agency determines to be necessary for adequate public disclosure of the institution.

(6) A signed written statement from the chief administrative officer of the institution attesting to the truth and accuracy of the information provided in the statement of organization and any amendments thereto and pledging that the institution will comply with all of the requirements of this chapter and any rules adopted pursuant to section 5 (1) and (3) of this act.

At the time of each annual renewal the institution shall file an amended statement of organization indicating any changes from the information previously submitted. Additionally, the institution must file an amended statement within thirty days of any change of circumstances which would require amendment of the information provided in subsections (1), (2) or (3) of this section.

All amended statements must be filed with the agency and include a statement as required in subsection (6) of this section.

NEW SECTION. Sec. 11. (1) At the time of its registration each educational institution shall file a surety bond with the agency in a form acceptable to the agency. The bond may be continuous or renewable at the time of annual renewal of registration: PROVIDED, That the bond shall cover the full period during which an institution is registered unless the surety has been released as provided in subsection (4) of this section.

In the event that any final judgment shall impair the liability of the surety upon the bond so furnished that there shall not be in effect a bond undertaking in the full amount prescribed in this section, the agency shall suspend the registration of the institution until the bond liability in the required amount unimpaired by unsatisfied judgment claims shall have been furnished.

(2) The amount of the bond shall be determined by the agency. In fixing the amount the agency shall adopt rules setting bond amounts on a sliding scale based upon the size of the institution, and the maximum amount of the bond required may not exceed seventy-five thousand dollars.

The bond shall be executed by the registering institution as principal and by a surety company authorized to do business in this state as surety. The bond shall run to the state of Washington, for the benefit and protection of any student or enrollee, or, in the case of a minor, his or her parents or guardian, determined to have suffered loss or damage as a result of an act or practice by such institution which is a violation of this chapter or rules adopted under this chapter alleged to have occurred while the bond was in effect or as a result of the institution's failure to meet its obligations to a student or enrollee during the term for which tuition has been paid.

(3) In lieu of the surety bond provided for herein, the institution may furnish, file and deposit with the agency, cash or other negotiable security acceptable to the executive officer of the agency. If the institution has filed a cash deposit, the agency 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 security deposited with the agency in lieu of the surety bond shall be returned to the institution at the expiration of one year after the institution's registration has expired or been revoked if no legal action has been instituted against the institution or on said security deposit at the expiration of said one year.

Any person having an unsatisfied final judgment against the registrant based on any claims arising under this section may execute upon the security held by the agency by serving a certified copy of the unsatisfied final judgment together with any findings and conclusions by registered or certified mail upon the agency within one year of the date of entry of such judgment. Upon the receipt of service of such certified copy the agency shall pay or order paid from the deposit, through the registry of the superior court which rendered judgment, towards the amount of the unsatisfied judgment. The priority of payment by the agency shall be the order of receipt by the agency of the unsatisfied judgment and claim against the deposit, but the agency shall have no liability for payment in excess of the amount of the deposit.

(4) A surety on a bond may be released by serving written notice thereof to the agency at least thirty-five days prior to the release, but the release shall not discharge or otherwise affect any claim theretofore or thereafter filed by a student or enrollee, or, in the case of a minor, his or her parents or guardian, for loss or damage resulting from any act or practice which is a violation of this chapter or rules adopted under this chapter alleged to have occurred while the bond was in effect, or resulting from the institution's failure to meet its obligations to a student or enrollee during the term for which tuition has been paid.

The agency shall give the institution at least thirty days written notice prior to the release of the surety to the effect that registration will be suspended by operation of law until a sufficient surety bond is filed in the same manner and amount as the bond being terminated.

(5) In addition to all other legal remedies, an action may be brought upon the bond or cash deposit or security in lieu thereof by any beneficiary covered thereunder, in the superior court of Thurston county or the county in which the educational services were offered by the institution: PROVIDED, That the aggregate liability of the surety to all such persons shall in no event exceed the sum of such bond.

An action upon such bond or security shall be commenced by serving and filing of the complaint within one year from the date of the cancellation

of the bond or, in the case of a cash deposit or other security deposited in lieu of the surety bond, within one year of the date of expiration or revocation of registration: PROVIDED, That no action shall be maintained upon such bond or such cash deposit or other security for any claim which has been barred by any nonclaim statute or statute of limitations of this state. Two copies of the complaint shall be served by registered or certified mail upon the executive officer of the agency at the time the suit is started. Such service shall constitute service on the surety. The executive officer of the agency shall transmit one of said copies of the complaint served on him to the surety within forty-eight hours after it shall have been received.

The executive officer of the agency shall maintain a record, available for public inspection, of all suits commenced under this chapter upon surety bonds, or the cash or other security deposited in lieu thereof.

NEW SECTION. Sec. 12. No educational institution nor any of its agents shall instruct or offer to instruct, including advertising or soliciting for such purpose, enroll or offer to enroll, contract or offer to contract with any person for such purpose, or offer or grant any educational credential, or contract with any school to perform any such act in this state whether such institution is located within or without this state unless such institution is registered and in compliance with the requirements set forth in sections 8, 9, 10 and 11 of this act.

NEW SECTION. Sec. 13. The agency, after hearing, by order approved and ratified by a majority of the membership of the agency, may suspend or modify any of the registration or other requirements contained in this chapter in a particular case if it finds that literal application of this chapter works a manifestly unreasonable hardship and if it also finds that such suspension or modification will not frustrate the purposes of this chapter.

NEW SECTION. Sec. 14. (1) A person claiming damage or loss as a result of any act or practice by an educational institution, its agent, or any person which is a violation of this chapter or of the rules adopted under this chapter, may file a complaint with the agency. The complaint shall set forth the alleged violation and shall contain such other information as may be required by the agency. A complaint may also be filed with the agency by the executive officer of the agency or by the attorney general.

(2) The agency shall investigate any complaint and may attempt to bring about a settlement by persuasion and conciliation. The agency may hold a contested case hearing pursuant to the administrative procedure act, chapter 34.04 RCW, in order to determine whether a violation has occurred.

(3) If, upon all the evidence at the hearing, the agency finds that the educational institution, its agent, or any person has engaged in or is engaging in any act or practice which violates this chapter or rules adopted under

this chapter, the agency shall issue and cause to be served upon the violator an order requiring it to cease and desist from the act or practice and may impose the penalties provided for in section 15 of this act. If the agency finds that the complainant has suffered loss or damage as a result of the act or practice, it may order full or partial restitution for the damage or loss: **PROVIDED**, That the complainant is not bound by the agency's determination of restitution and may pursue any other legal remedy.

NEW SECTION. Sec. 15. Any person, group, or entity or any owner, officer, agent, or employee of such entity who violates any provision of this chapter shall be subject to a civil penalty of not more than two thousand dollars for each separate violation. Each day on which a violation occurs constitutes a separate violation. Multiple violations on a single day may be considered separate violations. The fine may be imposed by the agency in accordance with the procedures set forth in section 14 of this act, or in any court of competent jurisdiction.

NEW SECTION. Sec. 16. Any person, group, or entity or any owner, officer, agent, or employee of such entity who wilfully violates section 8, 9, 10, 11 or 12 of this act shall be guilty of a gross misdemeanor and, upon conviction, shall be punished by a fine of not to exceed one thousand dollars or by imprisonment in the county jail for not to exceed one year, or by both such fine and imprisonment.

Each day on which a violation occurs constitutes a separate violation. The criminal sanctions may be imposed by a court of competent jurisdiction in an action brought by the attorney general of this state.

NEW SECTION. Sec. 17. Any educational institution, whether or not situated in or having a place of business in this state, whose personnel or agent instructs or educates or offers to instruct or educate, enrolls or offers to enroll, or contracts or offers to contract to provide instructional or educational services in this state, whether the instruction or services are provided in person or by correspondence to a resident of this state, or whose personnel or agent awards or offers to award any educational credentials to a resident of this state, submits to the jurisdiction of the courts of this state, and submits any such personnel or agent thereto, for the purpose of any cause of action arising from such acts.

NEW SECTION. Sec. 18. The records and accounts pertaining to each period of enrollment of each student shall be kept intact and in good condition by the educational institution for at least three years following the termination of such enrollment period.

NEW SECTION. Sec. 19. If any educational institution proposes to discontinue its operation, the chief administrative officer of the institution shall file with the agency the original or legible true copies of all such educational records of the institution as may be specified by the agency. The

records shall include, but not be limited to, such information as is customarily required by colleges when considering students for transfer or advance study and, as a separate document, the academic record of each former student. In the event it appears to the agency that any such records of an educational institution discontinuing its operations are in danger of being destroyed, secreted, mislaid, or otherwise made unavailable to the agency, the agency may seek a court order to protect and if necessary take possession of the records. The agency shall maintain or cause to be maintained a permanent file of educational records coming into its possession.

NEW SECTION. Sec. 20. If the person to whom educational services are to be rendered or furnished by an educational institution is a resident of this state at the time any contract relating to payment for such services or any note, instrument, or other evidence of indebtedness relating thereto is entered into, the provisions of section 21 of this act shall govern the rights of the parties to the contract or evidence of indebtedness. In such event, a contract or evidence of indebtedness containing any of the following agreements shall render the contract voidable at the option of the person to whom educational services are to be rendered or furnished:

- (1) That the law of another state shall apply;
- (2) That the maker or any person liable on the contract or evidence of indebtedness consents to the jurisdiction of another state;
- (3) That another person is authorized to confess judgment on the contract or evidence of indebtedness; or
- (4) That fixes venue.

NEW SECTION. Sec. 21. No note, instrument, or other evidence of indebtedness or contract relating to payment for education or educational services shall be enforceable in the courts of this state by an educational institution or holder of the instrument unless the institution was registered in compliance with the requirements of sections 8, 9, 10 and 11 of this act at the time the note, instrument or other evidence of indebtedness or contract was entered into.

NEW SECTION. Sec. 22. (1) The attorney general of this state or the prosecuting attorney of any county in which an educational institution or an agent thereof is found may, at the request of the agency or on their own motion, bring any appropriate action or proceeding, including injunctive proceedings under subsection (2) of this section or criminal proceedings under section 16 of this act, in any court of competent jurisdiction for the enforcement of this chapter and the rules adopted under this chapter.

(2) Whenever it appears to the agency that a person, agent, group, or entity is violating, or has been violating this chapter or the rules or orders of the agency, the agency may, on its own motion or on the written complaint of any person and after giving notice to the person, group, or entity affected,

file a petition for injunction in the name of the agency in a court of competent jurisdiction in this state against such person, group, or entity for the purpose of enjoining the violation or for an order directing compliance with this chapter and the rules or orders issued under this chapter. It is not necessary that the agency allege or prove that the agency has no adequate remedy at law. The right of injunction provided in this section is in addition to any other legal remedy which the agency has and is in addition to any right of criminal prosecution provided by law. The existence of agency action with respect to alleged violations of this chapter and rules adopted under this chapter does not operate as a bar to an action for injunctive relief under this section.

NEW SECTION. Sec. 23. A violation of a provision of this chapter or the rules adopted under this chapter, shall be considered a violation of RCW 19.86.020, as now or hereafter amended, of the consumer protection act.

NEW SECTION. Sec. 24. The remedies and penalties provided for in this chapter are nonexclusive and cumulative and do not affect any other actions or proceedings.

NEW SECTION. Sec. 25. (1) All reports, documents, surveys, books, records, files, papers, or other writings in the possession of the department of licensing pertaining to the regulation of proprietary schools shall be delivered to the custody of the commission for vocational education. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed in the regulation of proprietary schools shall be made available to the commission. All funds, credits, or other assets held in connection with this function shall be assigned to the commission.

(2) Any appropriations made to the department of licensing for the purpose of regulating proprietary schools shall, on the effective date of this act, be transferred and credited to the commission for the purpose of carrying out this act.

(3) Whenever any question arises as to the transfer of any funds, including unexpended balances within any accounts, books, documents, records, papers, files, equipment, or any other tangible property used or held by the department of licensing in regulating proprietary schools, the director of financial management shall make a determination as to the proper allocation and certify the same to the state departments and agencies concerned.

NEW SECTION. Sec. 26. Sections 1 through 24 of this act shall constitute a new chapter in Title 28B RCW.

NEW SECTION. Sec. 27. This act shall be effective January 1, 1980.

NEW SECTION. Sec. 28. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or

the application of the provision to other persons or circumstances is not affected.

Passed the Senate May 10, 1979.

Passed the House May 9, 1979.

Approved by the Governor May 17, 1979.

Filed in Office of Secretary of State May 17, 1979.

CHAPTER 189

[Substitute Senate Bill No. 2957]

DEPARTMENT OF TRANSPORTATION—PROPERTY SALES, EXCHANGE AGREEMENTS

AN ACT Relating to transportation; amending section 2, chapter 177, Laws of 1973 1st ex. sess. as amended by section 6, chapter 96, Laws of 1975 1st ex. sess. and RCW 47.12.290; amending section 3, chapter 257, Laws of 1961 as last amended by section 72, chapter 151, Laws of 1977 ex. sess. and RCW 47.56.254; amending section 6, chapter 257, Laws of 1961 and RCW 47.56.257; amending section 47.60.130, chapter 13, Laws of 1961 as amended by section 5, chapter 177, Laws of 1973 1st ex. sess. and RCW 47.60.130; adding new sections to chapter 47.12 RCW; repealing section 1, chapter 177, Laws of 1973 1st ex. sess., section 1, chapter 37, Laws of 1977 ex. sess. and RCW 47.12.280; repealing section 6, chapter 177, Laws of 1973 1st ex. sess. and RCW 47.12.310; repealing section 1, chapter 25, Laws of 1961 and RCW 47.56.252; providing an effective date; and declaring an emergency.

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

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

(1) Whenever the department of transportation determines that any real property owned by the state of Washington and under the jurisdiction of the department is no longer required for highway purposes and that it is in the public interest to do so, the department may, in its discretion, sell the property under RCW 47.12.063 or under subsections (2) through (6) of this section.

(2) Whenever the department determines to sell real property under its jurisdiction at public auction, the department shall first give notice thereof by publication on the same day of the week for two consecutive weeks, with the first publication at least two weeks prior to the date of the auction, in a legal newspaper of general circulation in the area where the property to be sold is located. The notice shall be placed in both the legal notices section and the real estate classified section of the newspaper. The notice shall contain a description of the property, the time and place of the auction, and the terms of the sale. The sale may be for cash or by real estate contract.

(3) The department shall sell the property at the public auction, in accordance with the terms set forth in the notice, to the highest and best bidder providing the bid is equal to or higher than the appraised fair market value of the property.

(4) If no bids are received at the auction or if all bids are rejected, the department may, in its discretion, enter into negotiations for the sale of the property or may list the property with a licensed real estate broker. No property shall be sold by negotiations or through a broker for less than the property's appraised fair market value. Any offer to purchase real property pursuant to this subsection shall be in writing and may be rejected at any time prior to written acceptance by the department.

(5) Before the department shall approve any offer for the purchase of real property having an appraised value of more than ten thousand dollars, pursuant to subsection (4) of this section, the department shall first publish a notice of the proposed sale in a local newspaper of general circulation in the area where the property is located. The notice shall include a description of the property, the selling price, the terms of the sale, including the price and interest rate if sold by real estate contract, and the name and address of the department employee or the real estate broker handling the transaction. The notice shall further state that any person may, within ten days after the publication of the notice, deliver to the designated state employee or real estate broker a written offer to purchase the property for not less than ten percent more than the negotiated sale price, subject to the same terms and conditions. A subsequent offer shall not be considered unless it is accompanied by a deposit of twenty percent of the offer in the form of cash, money order, cashier's check, or certified check payable to the Washington state treasurer, to be forfeited to the state (for deposit in the motor vehicle fund) if the offeror fails to complete the sale if the offeror's offer is accepted. If a subsequent offer is received, the first offeror shall be informed by registered or certified mail sent to the address stated in his offer. The first offeror shall then have ten days, from the date of mailing the notice of the increased offer, in which to file with the designated state employee or real estate broker a higher offer than that of the subsequent offeror. After the expiration of the ten day period, the department shall approve in writing the highest and best offer which the department then has on file.

(6) All moneys received pursuant to this section, less any real estate broker's commissions paid pursuant to RCW 47.12.320, shall be deposited in the motor vehicle fund.

NEW SECTION. Sec. 2. There is added to chapter 47.12 RCW a new section to read as follows:

The department of transportation is hereby authorized to enter into an exchange agreement with the owner of real property required for highway purposes to convey to such owner real property, owned by the state and under the department's jurisdiction, as full or part consideration for property to be acquired for highway purposes. Such an exchange agreement may relate back and apply to any exchange of property previously agreed to and partially executed (pursuant to an earlier exchange agreement found to be void for want of a governor's deed as required by prior law), and shall be

subject to such agreed terms and conditions as are authorized by RCW 47.12.063(3) as now existing or hereafter amended. Any conveyance from the state of Washington made pursuant to this section shall be by deed executed by the secretary of transportation, which shall be duly acknowledged.

Sec. 3. Section 2, chapter 177, Laws of 1973 1st ex. sess. as amended by section 6, chapter 96, Laws of 1975 1st ex. sess. and RCW 47.12.290 are each amended to read as follows:

When full payment for real property agreed to be sold as authorized by ~~((RCW 47.12.280))~~ section 1 of this 1979 act has been received, the ~~((director of highways))~~ secretary of transportation shall execute the deed which shall be duly acknowledged and deliver it to the grantee.

Sec. 4. Section 3, chapter 257, Laws of 1961 as last amended by section 72, chapter 151, Laws of 1977 ex. sess. and RCW 47.56.254 are each amended to read as follows:

If the secretary of transportation determines that any real property (including lands, improvements thereon, and any interests or estates) ~~((held by the department))~~ originally acquired for toll facility purposes is no longer required for purposes of the department, the department shall offer it for sale as authorized by RCW ~~((47.56.252 or 47.12.280))~~ 47.12.063 or section 1 of this 1979 act. The department may adopt rules further implementing this section.

Sec. 5. Section 6, chapter 257, Laws of 1961 and RCW 47.56.257 are each amended to read as follows:

Any moneys received pursuant to the provisions of RCW ~~((47.56.252))~~ 47.56.253 through 47.56.256 shall be deposited into the separate and proper trust fund with the state treasurer established for the respective toll facility.

Sec. 6. Section 47.60.130, chapter 13, Laws of 1961 as amended by section 5, chapter 177, Laws of 1973 1st ex. sess. and RCW 47.60.130 are each amended to read as follows:

Such ferry system, including any toll bridges, approaches, and roadways incidental thereto, may be financed and operated in combination or separately as one or more units as the ~~((authority))~~ department of transportation may determine, and such ferry system together with any toll bridge hereafter constructed by the ~~((authority))~~ department upon or across the waters of Puget Sound or Hood Canal, or any part of either, replacing one or more presently operated ferry routes, is declared to be a continuous project within the meaning of RCW 47.56.070. The ~~((authority))~~ department is empowered to rent, lease, or charter any property acquired under this chapter. If the ~~((authority))~~ department determines that any real property (including lands, improvements thereon, and any interests or estates) ~~((held by the authority))~~ originally acquired for the ferry system is no

longer required for the purposes of the ferry system, the ~~((authority))~~ department shall offer it for sale in the manner and with the authority authorized to the ~~((state highway commission))~~ department by RCW ~~((47.12.280))~~ 47.12.063 or section 1 of this 1979 act. The ~~((authority))~~ secretary of transportation may adopt rules further implementing this section ~~((as granted to the highway commission by RCW 47.12.280))~~. The proceeds of all such sales shall be paid into the separate trust fund of the state treasury established pursuant to RCW 47.60.150.

NEW SECTION. Sec. 7. The following acts or parts of acts are each repealed:

- (1) Section 1, chapter 177, Laws of 1973 1st ex. sess., section 1, chapter 37, Laws of 1977 ex. sess. and RCW 47.12.280;
- (2) Section 6, chapter 177, Laws of 1973 1st ex. sess. and RCW 47.12-.310; and
- (3) Section 1, chapter 257, Laws of 1961 and RCW 47.56.252.

NEW SECTION. Sec. 8. This 1979 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, 1979.

Passed the Senate April 2, 1979.

Passed the House May 9, 1979.

Approved by the Governor May 17, 1979.

Filed in Office of Secretary of State May 17, 1979.

CHAPTER 190

[House Bill No. 650]

UNEMPLOYMENT COMPENSATION PENALTIES

AN ACT Relating to unemployment compensation penalties; amending section 93, chapter 35, Laws of 1945 as last amended by section 9, chapter 158, Laws of 1973 1st ex. sess. and RCW 50.24.050; amending section 95, chapter 35, Laws of 1945 and RCW 50.24.070; amending section 96, chapter 35, Laws of 1945 and RCW 50.24.080; amending section 97, chapter 35, Laws of 1945 and RCW 50.24.090; amending section 98, chapter 35, Laws of 1945 as amended by section 20, chapter 214, Laws of 1949 and RCW 50.24.100; amending section 99, chapter 35, Laws of 1945 as amended by section 20, chapter 215, Laws of 1947 and RCW 50.24.110; amending section 15, chapter 228, Laws of 1975 1st ex. sess. and RCW 50.24.115; amending section 100, chapter 35, Laws of 1945 as last amended by section 5, chapter 266, Laws of 1959 and RCW 50.24.120; amending section 15, chapter 3, Laws of 1971 and RCW 50.24.125; amending section 101, chapter 35, Laws of 1945 as last amended by section 10, chapter 158, Laws of 1973 1st ex. sess. and RCW 50.24.130; amending section 102, chapter 35, Laws of 1945 and RCW 50.24.140; amending section 103, chapter 35, Laws of 1945 as amended by section 19, chapter 8, Laws of 1953 ex. sess. and RCW 50.24.150; amending section 106, chapter 35, Laws of 1945 and RCW 50.24.180; amending section 7, chapter 286, Laws of 1955 and RCW 50.24.190; amending section 8, chapter 286, Laws of 1955 and RCW 50.24.200; adding a new section to chapter 50.12 RCW; and prescribing penalties.

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

NEW SECTION. Section 1. There is added to chapter 50.12 RCW a new section to read as follows:

(1) If an employer fails to file in a timely and complete manner a report required by RCW 50.12.070 as now or hereafter amended or the rules adopted pursuant thereto, the employer shall be subject to a penalty of ten dollars per violation in addition to any other administrative, civil, or criminal sanctions which may apply.

(2) If contributions are not paid on the date on which they are due and payable as prescribed by the commissioner, there shall be assessed a penalty of four percent of the amount of the contributions for the first month or part thereof of delinquency; there shall be assessed a total penalty of nine percent of the amount of the contributions for the second month or part thereof of delinquency; and there shall be assessed a total penalty of nineteen percent of the amount of the contributions for the third month or part thereof of delinquency. No penalty so added shall be less than two dollars. These penalties are in addition to the interest charges assessed under RCW 50.24.040.

(3) Penalties shall not accrue on contributions from an estate in the hands of a receiver, executor, administrator, trustee in bankruptcy, common law assignee, or other liquidating officer subsequent to the date when such receiver, executor, administrator, trustee in bankruptcy, common law assignee, or other liquidating officer qualifies as such, but contributions accruing with respect to employment of persons by a receiver, executor, administrator, trustee in bankruptcy, common law assignee, or other liquidating officer shall become due and shall be subject to penalties in the same manner as contributions due from other employers.

(4) Where adequate information has been furnished to the department and the department has failed to act or has advised the employer of no liability or inability to decide the issue, penalties shall be waived by the commissioner. Penalties may also be waived for good cause if the commissioner determines that the failure to timely file reports or pay contributions was not due to the employer's fault.

(5) Any decision to assess a penalty as provided by this section shall be made by the chief administrative officer of the tax branch.

(6) Nothing in this section shall be construed to deny an employer the right to appeal the assessment of any penalty. Such appeal shall be made in the manner provided in RCW 50.32.030.

(7) This section is applicable to contributions due and payable on wages paid after December 31, 1979, and tax reports which are due for the quarter ending March 31, 1980, and subsequent quarters.

Sec. 2. Section 93, chapter 35, Laws of 1945 as last amended by section 9, chapter 158, Laws of 1973 1st ex. sess. and RCW 50.24.050 are each amended to read as follows:

The claim of the (~~(unemployment compensation division)~~) employment security department for any contributions, (~~(including)~~) interest (~~(thereon)~~), or penalties not paid when due, shall be a lien prior to all other liens or claims and on a parity with prior tax liens against all property and rights to property, whether real or personal, belonging to the employer. In order to avail itself of the lien hereby created, the (~~(unemployment compensation division)~~) department shall file with any county auditor a statement and claim of lien specifying the amount of delinquent contributions (~~(and)~~), interest, and penalties claimed by the (~~(division)~~) department. From the time of filing for record, the amount required to be paid shall constitute a lien upon all property and rights to property, whether real or personal, in the county, owned by the employer or acquired by him. The lien shall not be valid against any purchaser, holder of a security interest, mechanic's lien, or judgment lien creditor until notice thereof has been filed with the county auditor. This lien shall be separate and apart from, and in addition to, any other lien or claim created by, or provided for in, this title. When any such notice of lien has been so filed, the commissioner may release the same by filing a certificate of release when it shall appear that the amount of delinquent contributions (~~(together with all)~~), interest (~~(thereon)~~), and penalties have been paid, or when such assurance of payment shall be made as the commissioner may deem to be adequate. Any lien filed as provided in this section may also be filed in the office of the secretary of state. Filing in the office of the secretary of state shall be of no effect, however, until the lien or copy thereof shall have been filed with the county auditor in the county where the property is located. When a lien is filed in compliance herewith and with the secretary of state, such filing shall have the same effect as if the lien had been duly filed for record in the office of the auditor in each county of this state. Fees for filing and releasing the lien provided herein may be charged to the employer and may be collected from the employer utilizing the remedies provided in this title for the collection of contributions.

Sec. 3. Section 95, chapter 35, Laws of 1945 and RCW 50.24.070 are each amended to read as follows:

At any time after the commissioner shall find that any contributions, (~~(or the)~~) interest (~~(thereon has)~~), or penalties have become delinquent, the commissioner may issue an order and notice of assessment specifying the amount due, which order and notice of assessment shall be served upon the delinquent employer in the manner prescribed for the service of a summons in a civil action, except that if the employer cannot be found within the state, said order and notice will be deemed to be served when mailed to the delinquent employer at his last known address by registered mail.

Sec. 4. Section 96, chapter 35, Laws of 1945 and RCW 50.24.080 are each amended to read as follows:

If the commissioner shall have reason to believe that an employer is insolvent or if any reason exists why the collection of any contributions accrued will be jeopardized by delaying collection, he may make an immediate assessment thereof and may proceed to enforce collection immediately, but interest and penalties shall not begin to accrue upon any contributions until the date when such contributions would normally have become delinquent.

Sec. 5. Section 97, chapter 35, Laws of 1945 and RCW 50.24.090 are each amended to read as follows:

If the amount of contributions ((or))₂ interest, or penalties assessed by the commissioner by order and notice of assessment provided in this title is not paid within ten days after the service or mailing of the order and notice of assessment, the commissioner or his duly authorized representative may collect the amount stated in said assessment by the distraint, seizure, and sale of the property, goods, chattels, and effects of said delinquent employer. There shall be exempt from distraint and sale under this section such goods and property as are exempt from execution under the laws of this state.

Sec. 6. Section 98, chapter 35, Laws of 1945 as amended by section 20, chapter 214, Laws of 1949 and RCW 50.24.100 are each amended to read as follows:

The commissioner, upon making a distraint, shall seize the property and shall make an inventory of the property distrained, a copy of which shall be mailed to the owner of such property or personally delivered to him, and shall specify the time and place when said property shall be sold. A notice specifying the property to be sold and the time and place of sale shall be posted in at least two public places in the county wherein the seizure has been made. The time of sale shall be not less than ten nor more than twenty days from the date of posting of such notices. Said sale may be adjourned from time to time at the discretion of the commissioner, but not for a time to exceed in all sixty days. Said sale shall be conducted by the commissioner or his authorized representative who shall proceed to sell such property by parcel or by lot at a public auction, and who may set a minimum price to include the expenses of making a levy and of advertising the sale, and if the amount bid for such property at the sale is not equal to the minimum price so fixed, the commissioner or his representative may declare such property to be purchased by the employment security department for such minimum price. In such event the delinquent account shall be credited with the amount for which the property has been sold. Property acquired by the employment security department as herein prescribed may be sold by the commissioner or his representative at public or private sale, and the amount realized shall be placed in the unemployment compensation trust fund.

In all cases of sale, as aforesaid, the commissioner shall issue a bill of sale or a deed to the purchaser and said bill of sale or deed shall be prima

facie evidence of the right of the commissioner to make such sale and conclusive evidence of the regularity of his proceeding in making the sale, and shall transfer to the purchaser all right, title, and interest of the delinquent employer in said property. The proceeds of any such sale, except in those cases wherein the property has been acquired by the employment security department, shall be first applied by the commissioner in satisfaction of the delinquent account, and out of any sum received in excess of the amount of delinquent contributions (~~(and)~~), interest, and penalties the administration fund shall be reimbursed for the costs of distraint and sale. Any excess which shall thereafter remain in the hands of the commissioner shall be refunded to the delinquent employer. Sums so refundable to a delinquent employer may be subject to seizure or distraint in the hands of the commissioner by any other taxing authority of the state or its political subdivisions.

Sec. 7. Section 99, chapter 35, Laws of 1945 as amended by section 20, chapter 215, Laws of 1947 and RCW 50.24.110 are each amended to read as follows:

The commissioner is hereby authorized to issue to any person, firm, corporation, political subdivision or department of the state, a notice and order to withhold and deliver property of any kind whatsoever when he has reason to believe that there is in the possession of such person, firm, corporation, political subdivision or department, property which is due, owing, or belonging to any person, firm, or corporation upon whom a notice and order of assessment has been served by the employment security department of the state for unemployment compensation contributions (~~(or)~~), interest, or penalties.

The notice and order to withhold and deliver shall be served by the sheriff of the county wherein the service is made, or by his deputy, or by any duly authorized representative of the commissioner. Any person, firm, corporation, political subdivision or department upon whom service has been made is hereby required to answer the notice within twenty days exclusive of the day of service, under oath and in writing, and shall make true answers to the matters inquired of in the notice.

In the event there is in the possession of any such person, firm, corporation, political subdivision or department, any property which may be subject to the claim of the employment security department of the state, such property shall be delivered forthwith to the commissioner or his duly authorized representative upon demand to be held in trust by the commissioner for application on the indebtedness involved or for return, without interest, in accordance with final determination of liability or nonliability, or in the alternative, there shall be furnished a good and sufficient bond satisfactory to the commissioner conditioned upon final determination of liability.

Should any person, firm or corporation fail to make answer to an order to withhold and deliver within the time prescribed herein, it shall be lawful

for the court, after the time to answer such order has expired, to render judgment by default against such person, firm or corporation for the full amount claimed by the commissioner in the notice to withhold and deliver, together with costs.

Sec. 8. Section 15, chapter 228, Laws of 1975 1st ex. sess. and RCW 50.24.115 are each amended to read as follows:

Whenever any order and notice of assessment or jeopardy assessment shall have become final in accordance with the provisions of this title the commissioner may file with the clerk of any county within the state a warrant in the amount of the notice of assessment plus interest and a filing fee of five dollars. The clerk of the county wherein the warrant is filed shall immediately designate a superior court cause number for such warrant, and the clerk shall cause to be entered in the judgment docket under the superior court cause number assigned to the warrant, the name of the employer mentioned in the warrant, the amount of the tax, interest, penalties, and filing fee and the date when such warrant was filed. The aggregate amount of such warrant as docketed shall become a lien upon the title to, and interest in all real and personal property of the employer against whom the warrant is issued, the same as a judgment in a civil case duly docketed in the office of such clerk. Such warrant so docketed shall be sufficient to support the issuance of writs of execution and writs of garnishment in favor of the state in the manner provided by law in the case of civil judgment, wholly or partially unsatisfied. The clerk of the court shall be entitled to a filing fee of five dollars, which shall be added to the amount of the warrant, and charged by the commissioner to the employer or employing unit. A copy of the warrant shall be mailed to the employer or employing unit by certified mail to his last known address within five days of filing with the clerk.

Sec. 9. Section 100, chapter 35, Laws of 1945 as last amended by section 5, chapter 266, Laws of 1959 and RCW 50.24.120 are each amended to read as follows:

(1) If after due notice, any employer defaults in any payment of contributions ~~((or))~~, interest ~~((thereon))~~, or penalties, the amount due may be collected by civil action in the name of the state, and the employer adjudged in default shall pay the cost of such action. Any lien created by this title may be foreclosed by decree of the court in any such action. Civil actions brought under this title to collect contributions ~~((or))~~, interest ~~((thereon))~~, or penalties from an employer shall be heard by the court at the earliest possible date and shall be entitled to preference upon the calendar of the court over all other civil actions except petitions for judicial review under this title and cases arising under the industrial insurance laws of this state.

(2) Any employing unit which is not a resident of this state and which exercises the privilege of having one or more individuals perform service for it within this state, and any resident employing unit which exercises that

privilege and thereafter removes from this state, shall be deemed thereby to appoint the secretary of state as its agent and attorney for the acceptance of process in any action under this title. In instituting such an action against any such employing unit the commissioner shall cause such process or notice to be filed with the secretary of state and such service shall be sufficient service upon such employing unit, and shall be of the same force and validity as if served upon it personally within this state: PROVIDED, That the commissioner shall forthwith send notice of the service of such process or notice, together with a copy thereof, by registered mail, return receipt requested, to such employing unit at its last known address and such return receipt, the commissioner's affidavit of compliance with the provisions of this section, and a copy of the notice of service shall be appended to the original of the process filed in the court in which such action is pending.

(3) The courts of this state shall in the manner provided in subsections (1) and (2) of this section entertain actions to collect contributions ~~((or))~~, interest ~~((thereon))~~, or penalties for which liability has accrued under the employment security law of any other state or of the federal government.

Sec. 10. Section 15, chapter 3, Laws of 1971 and RCW 50.24.125 are each amended to read as follows:

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

Sec. 11. Section 101, chapter 35, Laws of 1945 as last amended by section 10, chapter 158, Laws of 1973 1st ex. sess. and RCW 50.24.130 are each amended to read as follows:

No employing unit which contracts with or has under it any contractor or subcontractor who is an employer under the provisions of this title shall make any payment or advance to, or secure any credit for, such contractor or subcontractor or on account of any contract or contracts to which said employing unit is a party unless such contractor or subcontractor has paid contributions, due or to become due for wages paid or to be paid by such contractor or subcontractor for personal services performed pursuant to such contract or subcontract, or has furnished a good and sufficient bond acceptable to the commissioner for payment of contributions, ~~((including))~~ interest, and penalties. Failure to comply with the provisions of this section shall render said employing unit directly liable for such contributions ~~((and))~~, interest, and penalties and the commissioner shall have all of the remedies of collection against said employing unit under the provisions of

this title as though the services in question were performed directly for said employing unit.

Sec. 12. Section 102, chapter 35, Laws of 1945 and RCW 50.24.140 are each amended to read as follows:

Remedies given to the state under this title for the collection of contributions ~~((and))~~, interest, or penalties shall be cumulative and no action taken by the commissioner or his duly authorized representative, the attorney general, or any other officer shall be construed to be an election on the part of the state or any of its officers to pursue any remedy to the exclusion of any other.

Sec. 13. Section 103, chapter 35, Laws of 1945 as amended by section 19, chapter 8, Laws of 1953 ex. sess. and RCW 50.24.150 are each amended to read as follows:

No later than three years after the date on which any contributions ~~((or))~~, interest, or penalties have been paid, an employer who has paid such contributions ~~((or))~~, interest, or penalties may file with the commissioner a petition in writing for an adjustment thereof in connection with subsequent contribution payments or for a refund thereof when such adjustment cannot be made. If the commissioner upon an ex parte consideration shall determine that such contributions ~~((or))~~, interest, penalties, or portion thereof ~~((;))~~ were erroneously collected, he shall allow such employer to make an adjustment thereof without interest in connection with subsequent contribution payments by him, or if such adjustment cannot be made, the commissioner shall refund said amount without interest from the unemployment compensation fund: PROVIDED, HOWEVER, That after June 20, 1953, that refunds of interest on delinquent contributions or penalties shall be paid from the administrative contingency fund upon warrants issued by the treasurer under the direction of the commissioner. For like cause and within the same period, adjustment or refund may be made on the commissioner's own initiative. If the commissioner finds that upon ex parte consideration he cannot readily determine that such adjustment or refund should be allowed, he shall deny such application and notify the employer in writing.

Sec. 14. Section 106, chapter 35, Laws of 1945 and RCW 50.24.180 are each amended to read as follows:

Any employer who shall be delinquent in the payment of contributions ~~((or))~~, interest, or penalties may be enjoined upon the suit of the state of Washington from continuing in business in this state or employing persons herein until the delinquent contributions ~~((and))~~, interest, and penalties shall have been paid, or until the employer shall have furnished a good and sufficient bond in a sum equal to double the amount of contributions ~~((and))~~, interest, and penalties already delinquent, plus such further sum as the court shall deem adequate to protect the ~~((unemployment compensation division))~~ department in the collection of contributions ~~((and))~~, interest,

and penalties which will become due from such employer during the next ensuing calendar year, said bond to be conditioned upon payment of all contributions ((~~and~~)), interest, and penalties due and owing within thirty days after the expiration of the next ensuing calendar year or at such earlier date as the court may fix.

Action pursuant to the provisions of this section may be instituted in the superior court of any county of the state wherein the employer resides, has its principal place of business, or where it has anyone performing services for it, whether or not such services constitute employment.

Sec. 15. Section 7, chapter 286, Laws of 1955 and RCW 50.24.190 are each amended to read as follows:

The commissioner shall commence action for the collection of contributions, interest, penalties, and benefit overpayments imposed by this title by assessment or suit within three years after a return is filed or notice of benefit overpayment is served. No proceedings for the collection of such amounts shall be begun after the expiration of such period.

In case of a false or fraudulent return with intent to evade contributions ((~~or~~)), interest, or penalties, or in the event of a failure to file a return, the contributions ((~~and~~)), interest, and penalties may be assessed or a proceeding in court for the collection thereof may be begun at any time.

Sec. 16. Section 8, chapter 286, Laws of 1955 and RCW 50.24.200 are each amended to read as follows:

The commissioner may charge off as uncollectible and no longer an asset of the unemployment compensation fund or the administrative contingency fund, as the case may be, any delinquent contributions, interests, penalties, credits, or benefit overpayments at any time after three years from the date of delinquency or service of notice of benefit overpayment, if the commissioner and the attorney general are satisfied that there are no available and lawful means by which such contributions, interest, penalties, credits, or benefit overpayments may thereafter be collected.

Passed the House May 7, 1979.

Passed the Senate May 4, 1979.

Approved by the Governor May 17, 1979.

Filed in Office of Secretary of State May 17, 1979.

CHAPTER 191

[Substitute House Bill No. 1013]

COGENERATION—TAX CREDIT, EXEMPTION—NONPOLLUTING POWER GENERATION—REGULATION EXEMPTION

AN ACT Relating to energy and utilities regulation; amending section 80.04.010, chapter 14, Laws of 1961 as last amended by section 1, chapter 47, Laws of 1977 ex. sess. and RCW 80.04.010; adding a new chapter to Title 82 RCW; adding a new section to chapter 84.36 RCW; and creating new sections.

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

NEW SECTION. Section 1. The state of Washington has a large and growing need for electrical energy. The state of Washington possesses a great potential for the generation of electrical or mechanical power and useful heat energy through the process of cogeneration. It is the purpose and intent of the legislature to promote the growth of cogeneration in the state of Washington.

NEW SECTION. Sec. 2. As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "Cogeneration" means the sequential generation of electrical or mechanical power and useful heat from the same primary energy source or fuel.

(2) "Cogeneration facility" means any machinery, equipment, structure, process, or property, or any part thereof, installed or acquired for the primary purpose of cogeneration by a person or corporation other than an electric utility.

(3) "Certificate" means a cogeneration tax credit certificate granted by the department.

(4) "Cost" means only the cost of a cogeneration facility which is in addition to the cost that the applicant otherwise would incur to meet the applicant's demands for useful heat. "Cost" does not include expenditures which are offset by cost savings, including but not limited to savings resulting from early retirement of existing equipment.

(5) "Department" means the department of revenue.

(6) "Electric utility" means any person, corporation, or governmental subdivision authorized and operating under the Constitution and laws of the state of Washington which is primarily engaged in the generation or sale of electric energy.

(7) "Office" means the state energy office.

NEW SECTION. Sec. 3. (1) An application for a certificate shall be filed with the department. The application shall contain the estimated or actual cost, plans, and specifications of the cogeneration facility, including all materials incorporated or to be incorporated therein, and a list describing and showing all expenditures made by the applicant for the purpose of cogeneration, together with the operating procedure for the facility, and if the facility has not been constructed, a time schedule for the acquisition and installation or attachment of the cogeneration facility and the proposed operating procedure for the cogeneration facility.

(2) The department shall provide a copy of the application to the energy office within ten days after receipt thereof. Within sixty days after receipt of the application from the department, the office shall approve the application but only if it first determines that construction of the cogeneration facility began or will begin after the effective date of this act, that the cogeneration

facility is designed and is operated or will be operated primarily for cogeneration, and that the cogeneration facility is suitable, reasonably adequate, and meets the intent and purposes of this chapter.

(3) Within ten days after approval of the application, the office shall provide a copy thereof to the department. Within thirty days after receipt thereof the department shall issue the certificate but only if it finds that the cost data in the application is accurate. If the application contains estimated cost data, the certificate shall be conditioned upon the applicant providing sufficient information for the department to determine the actual cost of the cogeneration facility on the date it becomes operational. Within sixty days after the cogeneration facility is operational the department shall review the certificate. If the actual cost of the cogeneration facility is less than the cost shown in the certificate, the department shall issue a modified certificate or a supplement to the original certificate, showing the actual cost of the cogeneration facility.

(4) The department, with the approval of the office, may adopt rules specifying the administrative procedures applicable to applications for certification, the form and manner in which the applications shall be filed and additional information to be contained therein. The rules shall apply to administrative procedures before both the office and the department. An applicant shall have the opportunity for a hearing before the office and the department in respect to their respective decisions granting or denying approval or certification.

This section shall expire on December 31, 1984.

NEW SECTION. Sec. 4. (1) No certificate or supplement may be issued after December 31, 1984.

(2) The department shall keep a running tabulation of the total cogeneration facility costs incurred or planned to be incurred pursuant to certificates or supplements issued under this chapter. The department may not issue any new certificate or any supplement if the certificate or supplement would result in the tabulation exceeding one hundred million dollars. Nothing in this section shall be deemed to bar any certificate holder from amending the certificate or obtaining a supplement thereto so long as the amendment or supplement is issued prior to December 1, 1984, and does not increase the total amount of cogeneration facility costs incurred or planned to be incurred under the original certificate.

(3) The department may adopt any rules under chapter 34.04 RCW it considers necessary for the administration of this chapter.

NEW SECTION. Sec. 5. When a cogeneration facility is operational and a certificate pertaining thereto has been issued, a credit may be claimed against taxes imposed under chapter 82.04 RCW, if the due date for payment of the taxes is after the effective date of the certificate: **PROVIDED,** That the date on which the facility is operational is no more than four years after the date of issuance of the certificate. The amount of the credit shall

be two percent of the cost of a facility covered by the certificate for each year the certificate remains in force. The credits shall be cumulative and shall be subject only to the following limitations:

(1) The tax credit shall apply to capital costs only and shall not apply to operating costs.

(2) A person, firm, corporation, or organization which acquires a cogeneration facility shall be entitled to the credit only to the extent that it has previously not been taken. Under no circumstances may a credit be taken more than once against any cost or portion thereof of a cogeneration facility.

(3) No credit exceeding fifty percent of the taxes payable under chapter 82.04 RCW shall be allowed in any reporting period.

(4) The total cumulative amount of the credits allowed for any cogeneration facility covered by a certificate shall not exceed fifty percent of the cost of the cogeneration facility.

(5) The total cumulative amount of credits against state taxes authorized by this chapter shall be reduced by the total amount of any federal investment credit or other federal tax credit actually received by the certificate holder applicable to the cogeneration facility. This reduction shall be made as an offset against the credit claimed in the first reporting period following the allowance of the investment credit, or other credit, and thereafter as an offset against any credit balance as it shall become available to the certificate holder.

NEW SECTION. Sec. 6. If subsequent to the issuance of a certificate for a cogeneration facility and prior to December 31, 1984, a determination is made to modify or replace the cogeneration facility, the holder of the certificate may file an application for a modified certificate or supplement to the existing certificate covering the modified or replacement cogeneration facility in accordance with the procedures set forth in this chapter for original certificates and supplements. After the issuance by the department of any modified certificate or supplement, all subsequent tax credits and exemptions for the cogeneration facility shall be based on the modified certificate or supplement and shall be exclusively based on the cost shown in the modified or supplemented certificate.

This section shall expire on December 31, 1984.

NEW SECTION. Sec. 7. The department shall send a certificate or supplement, when issued, by certified mail to the applicant. Notice of the department's refusal to issue a certificate or supplement shall likewise be sent to the applicant by certified mail.

NEW SECTION. Sec. 8. (1) Except as provided in subsection (2) of this section, the department shall revoke any certificate issued under this chapter if it finds that any of the following have occurred with respect to the certificate:

(a) The certificate was obtained by fraud or deliberate misrepresentation;

(b) The certificate was obtained through the use of inaccurate data but without any intention to commit fraud or misrepresentation;

(c) The facility was constructed or operated in violation of any provision of this chapter or provision imposed by the department as a condition of certification; or

(d) The cogeneration facility is no longer capable of being operated for the primary purpose of cogeneration.

(2) If the department finds that there are few inaccuracies under subsection (1)(b) of this section and that cumulatively they are insignificant in terms of the cost or operation of the facility or that the inaccurate data is not attributable to carelessness or negligence and its inclusion was reasonable under the circumstances, then the department may provide for the continuance of the certificate and whatever modification it considers in the public interest.

(3) Any person, firm, corporation, or organization that obtains a certificate revoked under this section shall be liable for the total amount of money saved by claiming the credits and exemptions provided under this chapter and section 9 of this act. The total amount of the credits shall be collected as delinquent business and occupation taxes, and the total of the exemptions shall be collected and distributed as delinquent property taxes. Interest shall accrue on the amounts of the credits and exemptions from the date the taxes were otherwise due.

(4) The office shall provide technical assistance to the department in carrying out its responsibilities under this section.

NEW SECTION. Sec. 9. There is added to chapter 84.36 RCW a new section to read as follows:

Cogeneration facilities which have been granted a cogeneration tax credit certificate under chapter ... RCW (sections 1 through 8 of this act) shall be exempt from property taxation for a period of seven years from the date on which the facility is operational or until the certificate is revoked, whichever is first. For the purposes of the exemption under this section the value of the cogeneration facility shall be based upon the cost shown in the certificate.

Claims for the exemption authorized by this section shall be filed with the county assessor on forms prescribed by the department of revenue and furnished by the assessor. The assessor shall verify and approve such claims as he or she determines to be justified in accordance with this section.

The department of revenue shall promulgate such rules and regulations, pursuant to chapter 34.04 RCW as are necessary and convenient to properly administer the provisions of this section.

Sec. 10. Section 80.04.010, chapter 14, Laws of 1961 as last amended by section 1, chapter 47, Laws of 1977 ex. sess. and RCW 80.04.010 are each amended to read as follows:

As used in this title, unless specifically defined otherwise or unless the context indicates otherwise:

"Commission" means the utilities and transportation commission.

"Commissioner" means one of the members of such commission.

"Corporation" includes a corporation, company, association or joint stock association.

"Person" includes an individual, a firm or copartnership.

"Gas plant" includes all real estate, fixtures and personal property, owned, leased, controlled, used or to be used for or in connection with the transmission, distribution, sale or furnishing of natural gas, or the manufacture, transmission, distribution, sale or furnishing of other type gas, for light, heat or power.

"Gas company" includes every corporation, company, association, joint stock association, partnership and person, their lessees, trustees or receiver appointed by any court whatsoever, and every city or town, owning, controlling, operating or managing any gas plant within this state.

"Electric plant" includes all real estate, fixtures and personal property operated, owned, used or to be used for or in connection with or to facilitate the generation, transmission, distribution, sale or furnishing of electricity for light, heat, or power for hire; and any conduits, ducts or other devices, materials, apparatus or property for containing, holding or carrying conductors used or to be used for the transmission of electricity for light, heat or power.

"Electrical company" includes any corporation, company, association, joint stock association, partnership and person, their lessees, trustees or receivers appointed by any court whatsoever (other than a railroad or street railroad company generating electricity solely for railroad or street railroad purposes or for the use of its tenants and not for sale to others), and every city or town owning, operating or managing any electric plant for hire within this state. "Electrical company" does not include a company or person employing a cogeneration facility solely for the generation of electricity for its own use or the use of its tenants or for sale to an electrical company, state or local public agency, municipal corporation, or quasi municipal corporation engaged in the sale or distribution of electrical energy, but not for sale to others, unless such company or person is otherwise an electrical company.

"Telephone company" includes every corporation, company, association, joint stock association, partnership and person, their lessees, trustees or receivers appointed by any court whatsoever, and every city or town owning, operating or managing any telephone line or part of telephone line used in

the conduct of the business of affording telephonic communication for hire within this state.

"Telephone line" includes conduits, ducts, poles, wires, cables, cross-arms, receivers, transmitters, instruments, machines, appliances, instrumentalities and all devices, real estate, easements, apparatus, property and routes used, operated, owned or controlled by any telephone company to facilitate the business of affording telephonic communication.

"Telegraph company" includes every corporation, company, association, joint stock association, partnership and person, their lessees, trustees or receivers appointed by any court whatsoever, owning, operating or managing any telegraph line or part of telegraph line used in the conduct of the business of affording for hire communication by telegraph within this state.

"Telegraph line" includes conduits, poles, wire, cables, cross-arms, instruments, machines, appliances, instrumentalities and all devices, real estate, easements, apparatus, property and routes used, operated or owned by any telegraph company to facilitate the business of affording communication by telegraph.

"Water system" includes all real estate, easements, fixtures, personal property, dams, dikes, head gates, weirs, canals, reservoirs, flumes or other structures or appliances operated, owned, used or to be used for or in connection with or to facilitate the supply, storage, distribution, sale, furnishing, diversion, carriage, apportionment or measurement of water for power, irrigation, reclamation, manufacturing, municipal, domestic or other beneficial uses for hire.

"Water company" includes every corporation, company, association, joint stock association, partnership and person, their lessees, trustees or receivers appointed by any court whatsoever, and every city or town owning, controlling, operating, or managing any water system for hire within this state: PROVIDED, That it shall not include any water system serving less than sixty customers where the average annual gross revenue per customer does not exceed one hundred twenty dollars per year.

"Cogeneration facility" means any machinery, equipment, structure, process, or property, or any part thereof, installed or acquired for the primary purpose of the sequential generation of electrical or mechanical power and useful heat from the same primary energy source or fuel.

"Public service company" includes every gas company, electrical company, telephone company, telegraph company and water company. Ownership or operation of a cogeneration facility does not, by itself, make a company or person a public service company.

The term "service" is used in this title in its broadest and most inclusive sense.

NEW SECTION. Sec. 11. The generation of power by a nonpolluting, renewable energy source by an individual natural person not otherwise engaged in the business of power generation is declared to be exempt from all

statutes and rules otherwise regulating the generation of power: PROVIDED, That such an individual is hereby authorized to provide such power to the utility servicing the property on which the power is generated and the servicing utility is hereby authorized to accept such power under such terms and conditions as may be agreed to between the parties.

NEW SECTION. Sec. 12. The house and senate energy and utilities committees are authorized and directed to monitor the effectiveness of the business and occupation tax credit and property tax exemption for cogeneration facilities as an incentive for the implementation of cogeneration, and to study the cost and effectiveness of alternative state incentives for cogeneration, including, but not limited to direct grants, loans, other tax incentives, and partial funding for feasibility studies. The committees shall report their findings and recommendations to the forty-seventh legislature of the state of Washington convened in regular session.

NEW SECTION. Sec. 13. If any provision of this 1979 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. Sections 1 through 8 of this act shall constitute a new chapter in Title 82 RCW.

Passed the House May 7, 1979.

Passed the Senate May 1, 1979.

Approved by the Governor May 17, 1979.

Filed in Office of Secretary of State May 17, 1979.

CHAPTER 192

[Substitute House Bill No. 1031]

TRANSPORTATION STUDIES—COMPREHENSIVE PLANS—AVIATION STUDY, APPROPRIATION—HANDICAPPED PARKING PRIVILEGES

AN ACT Relating to transportation; amending section 1, chapter 201, Laws of 1973 1st ex. sess. as last amended by section 112, chapter 158, Laws of 1979 and RCW 44.40.070; amending and reenacting section 1, chapter 128, Laws of 1961 as last amended by section 1, chapter 7, Laws of 1979 1st ex. sess., by section 1, chapter 26, Laws of 1979 1st ex. sess., by section 1, chapter 27, Laws of 1979 1st ex. sess., and by section 50, chapter .. (EHB 101), Laws of 1979 1st ex. sess. and RCW 46.16.380; amending section 75, chapter 51, Laws of 1970 ex. sess. as amended by section 9, chapter 73, Laws of 1971 ex. sess. and RCW 47.17.370; creating new sections; making an appropriation; providing effective dates; and declaring an emergency.

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

NEW SECTION. Section 1. The legislative transportation committee, in consultation with the house and senate standing committees on transportation, is authorized to conduct the following studies and activities and such

other studies and activities as it deems appropriate, may employ consultants, and shall report findings and recommendations, as appropriate, to the legislature during or prior to the 1981 regular legislative session:

(1) Develop policies and criteria to be used by the legislature to determine relative priorities for use of state motor vehicle fund revenues by state agencies;

(2) An analysis of local public transportation plans and programs, with emphasis on the 1980–1985 period, in coordination with appropriate municipalities and the department of transportation;

(3) The procedural and fiscal feasibility of a program requiring:

(a) That the transportation commission adopt and designate a uniform state standard for emergency traffic signals;

(b) That the department of transportation install and maintain such signals on state highways;

(4) The role of rail transportation in the state's economy;

(5) The need for a program of periodic registration and inspection of carriers of hazardous cargo on the highways of the state; the study to address the appropriate agency to conduct the program, and how most effectively to integrate such a program with existing local and federal programs;

(6) A review of the effectiveness of existing statutes relating to drunk drivers and the judicial and administrative procedures implementing such statutes;

(7) The feasibility of integrating bus and rail intercity transportation, especially between small towns; the study to assess the legal and logistical possibility of attaching rail passenger cars to scheduled freight trains;

(8) A study of alternate methods of financing the state ferry system through a more equitable assessment of property benefited by ferry service; the study to include a detailed search of potential federal funds to assist in relieving the impact west of Puget Sound caused by federal installations and forest lands, as well as alternative methods of taxation of value added to property by reason of the access the ferries provide;

(9) A policy on contracting for maintenance work on highway rights of way with private firms. The committees may have meetings with contractors to assess their interest, and determine whether such work could be completed more economically through such contracts;

(10) Review, in cooperation with the department of transportation and other appropriate agencies, methods by which the public may share in the benefits created by new transportation facilities through value capture financing;

(11) The feasibility of a program to refund the use tax on gasoline or diesel fuel purchased by commercial fishermen when used beyond the state's three-mile limit;

(12) A study of the need for and feasibility of high speed passenger-only ferry service in the inner waters of Puget Sound, particularly between the high density population centers of southern Puget Sound;

(13) A study of increasing costs and diminishing supplies of asphalt in state highway construction and maintenance, and the feasibility of an alternative paving material, other than reinforced concrete, that may be used in place of asphalt paving;

(14) A study to determine the means and effects of deregulation and the alternatives to regulation of intrastate transportation activities under the utilities and transportation commission, including air, land, rail, water, and pipeline modes of transportation for compensation;

(15) A study of the feasibility and desirability of a program by which the taxicab industry would be regulated by the utilities and transportation commission;

(16) A program designed to inform the public of the benefits of ride sharing including the development of legislation that could stimulate interest in ride-sharing programs among individual citizens;

(17) A study of the effect of the possible loss of fuel tax revenues caused by apparent fuel shortages and allocation procedures;

(18) A review of appraisal practices used by the department of transportation in the exercise of eminent domain including a review of statutes relating to judicial review of disputed assessments;

(19) Review development and implementation of automobile emission reduction programs by the United States Environmental Protection Agency and in accordance with chapter ... (SHB 298), Laws of 1979 1st ex. sess. to determine whether such implementation jeopardizes federal transportation and/or highway funds or interferes with the orderly planning process for state and local surface transportation needs;

(20) A review of the effects of the Hood Canal Bridge sinking, and the department of transportation's effort to provide interim transportation services for users of that corridor. Such review shall include: (a) An examination of the need to relocate existing ferry terminals; (b) interim transportation measures required as a result of the bridge loss, including ferry service across Puget Sound and Hood Canal; and (c) the effect on local communities of changing transportation patterns, including a review of state route 101 between Shelton and Discovery Bay to determine safety impacts of increased traffic, and its effect on law enforcement efforts;

(21) Monitor the creation of new, or the improvement of existing, transit systems within the state;

(22) In concert with public transportation operating authorities, a study of methods to insure better security from unlawful conduct for transportation system patrons and operating personnel. Such study shall concern itself with not only transit bus operations, but shall include security on ferry vessels and in terminals, as well as other modes of public conveyance;

(23) A study to determine how the ferry system and local governments can better coordinate in regard to local facilities, with or without state funding or other assistance, for the mutual benefit of community residents and patrons of the ferry system. Such study shall also include an evaluation of the negative effects of ferry terminals and local programs upon each other and methods to resolve these problems (including, but not limited to, traffic congestion, accident rates due to traffic flow, and local plans);

(24) A review, in conjunction with the transportation commission, of the use of motor vehicle funds to improve access to states facilities of higher education;

(25) A study, in conjunction with the Washington utilities and transportation commission, as to the necessity of safety inspections of private carriers and the feasibility thereof;

(26) Study motor vehicle equipment and motor vehicle modifications in conjunction with state and federal standards for motor vehicles, and determine if existing equipment regulations reflect the current state-of-the-art in motor vehicle safety;

(27) An evaluation of property acquisition and disposal procedures of the department of transportation and an updating and consolidation of statutes pertaining thereto;

(28) Explore the use of improved public transportation services as a means of better serving residents of areas served by the state ferry system, as well as a means of reducing vehicle overloads on many state ferry routes;

(29) Evaluate existing statutes relating to public transportation and make recommendations for clarification and consolidation of such statutes;

(30) A review of current statutes relating to vessel pilotage, including the establishment of a training program for new ship pilots, and the establishment of a mandatory retirement program for pilots;

(31) A review of methods to improve bicycle safety and to encourage the use of bicycles for transportation and recreational purposes;

(32) A study of the effects of major developments on state highways; the study shall address the need for the department to have advance notice of such developments and the potential financial participation of the developer in constructing changes to the highway facility necessitated by the development.

NEW SECTION. Sec. 2. The legislative transportation committee and the transportation commission may jointly conduct the following studies and report their findings and recommendations to the 1981 legislative session:

(1) The feasibility of potential corridors which would include preliminary engineering, social, economic, and environmental analyses of a third bridge across the Columbia river between Clark county, Washington, and Oregon. Such study shall be based on, and be a continuation of, the January, 1979, third bridge study which developed and evaluated travel demands on potential crossings of the lower Columbia river between the vicinities of

Camas and Woodland. The transportation commission and the department of transportation shall make every effort to obtain the cooperation of the Oregon transportation commission, the Oregon department of transportation, and the Portland metropolitan service district in conducting the study;

(2) The feasibility of a new east–west highway between state route number 181 and state route number 516 in the vicinity of South 277th street between Kent and Auburn; the study to be conducted by the state department of transportation in cooperation with King county and the municipalities affected;

(3) A study of the potential need and feasibility of constructing a bridge across the Cowlitz river between Interstate 5 in the vicinity of Rocky Point and state route number 411 in the vicinity of Lexington, in Cowlitz county;

(4) The feasibility of reconstructing state route number 195 into a four–lane highway between Plaza and Rosalia and between Colfax and Pullman;

(5) The feasibility of constructing a four–lane limited access highway along the alignment of state route number 395 from Pasco to Ritzville;

(6) The feasibility of constructing a four–lane limited access highway along the alignment of state route number 17 from Othello to Moses Lake;

(7) A study of the need to construct an interchange to bypass the Woodinville community on state route number 522 near Northeast 190th and Northeast 195th in King county; such study to be completed by December 1, 1979;

(8) The feasibility and cost of improving the Black Lake interchange on state route number 101 near Olympia; the study to examine methods of securing matching money from local jurisdictions or other public or private sources;

(9) The feasibility of assisting in the financing of the construction of a street along the Brandon street right of way between Delridge Way and Southwest Sixteenth avenue in West Seattle. The city of Seattle may be required to secure whatever federal, county, urban arterial board, or other assistance may be available to participate in this project;

(10) The feasibility of extending state route number 291 from the Stevens county line northwest of Spokane along the most feasible route to a junction with state route number 231;

(11) A study by the department of transportation of the transportation plans and program needs in the Kitsap and Pierce county area from the Hood Canal bridge location southerly through the Bremerton metropolitan area to, and including, the Narrows bridge.

The study shall analyze population growth trends throughout the study area, including the impact of existing and predicted industrial and military developments on existing facilities. The study shall analyze transportation needs and assess whether existing and planned transportation facilities are compatible with development patterns of residential, industrial, and agricultural uses. The department, in assessing the availability of revenues

needed to meet the needs, shall explore all available sources, including federal programs. The study shall consider the feasibility of a regional public transportation system in the area, together with recommendations for funding such a system;

(12) A study of the long range requirements of ferry services between Southworth, Vashon Island, and Seattle. The study shall address:

(a) Facility and vessel capacity needs;

(b) Vessel scheduling needs;

(c) Public transit needs;

(d) Passenger-only service needs;

(e) Terminal access improvement needs; and

(f) The feasibility of alternate ferry routes from Southworth directly to downtown Seattle as well as from Vashon Island to downtown Seattle;

(13) A study of the feasibility of constructing state route number 528 from Marysville easterly to state route number 9;

(14) A study to determine the need for and financing of improvements to state route number 105 near Huntley road and West Harriman street in Aberdeen;

(15) An evaluation of the need for rerouting state route 101 in the vicinity of Sequim;

(16) An evaluation of the impact of state route 3 on the community of Shelton, and the need for improved traffic control devices to relieve congestion along that corridor;

(17) A study of access to state route 5 in the vicinity of Vancouver as it relates to new transportation projects in the area and the needs of the surrounding community;

(18) The feasibility and benefits of constructing the Ben Franklin dam on the Columbia river above Richland, together with locks necessary to facilitate barge traffic upriver, and the possibility of locating a toll bridge across the river at the dam site;

(19) The feasibility and desirability of realignment of a segment of state route 302 near Burley;

(20) The feasibility and desirability of widening state route 3 to four lanes between state route 304 and Kitsap Way in Bremerton;

(21) A review of department of transportation plans and proposals for changes in the intersections of state routes 16, 160, and 3, in the vicinity of Gorst;

(22) The desirability and feasibility of rerouting existing sections of state route 160 to bypass the city center of Port Orchard;

(23) A review of the transportation activities associated with the United States Navy Trident Facility, especially as they affect the city of Poulsbo and access to and from Poulsbo, including Bond Road and state route 305;

(24) A study of methods to provide improved access from state route 405 to the Evergreen Hospital, the Totem Lake shopping center, and the

park and ride facility at NE 132nd. Such study shall include consideration of the feasibility and desirability of constructing an interchange at NE 132nd;

(25) An examination of the rerouting of state route 20 between state route 5 and Sedro Woolley as a joint development of the corridor with the United States Army Corps of Engineers and/or Puget Sound Power and Light Company if and when the Corps proceeds with plans for flood control projects in the Lower Skagit Valley and/or Puget Power proceeds with development of the Skagit Nuclear project requiring additional transportation services.

Sec. 3. Section 1, chapter 201, Laws of 1973 1st ex. sess. as last amended by section 112, chapter 158, Laws of 1979 and RCW 44.40.070 are each amended to read as follows:

Prior to October 1st of each even-numbered year all state agencies whose major programs consist of transportation activities, including the department of transportation, the utilities and transportation commission, the urban arterial board, the Washington state patrol, the department of licensing, the traffic safety commission, the county road administration board, and the ((department of transportation)) board of pilotage commissioners, shall adopt or revise, after consultation with the legislative transportation committee, ((and/or senate and house transportation committees, a long range plan of not less than six years and)) a comprehensive six-year program and financial plan for all transportation activities under each agency's jurisdiction.

The ((long range)) comprehensive six-year program and financial plan shall state the general objectives and needs of each agency's major transportation programs, including workload and performance estimates.

((The comprehensive six-year program and financial plan shall be prepared in consonance with the long range plan and shall identify that portion of the long range plan to be accomplished within the succeeding six-year period:))

Sec. 4. Section 75, chapter 51, Laws of 1970 ex. sess. as amended by section 9, chapter 73, Laws of 1971 ex. sess. and RCW 47.17.370 are each amended to read as follows:

A state highway to be known as state route number 181 is established as follows:

Beginning at a junction with state route number 18 in the vicinity west of Auburn, thence northerly to a junction with state route number ((599 south of Seattle)) 405 in the vicinity of Tukwila.

NEW SECTION. Sec. 5. There is hereby appropriated from the general fund to the legislative transportation committee the sum of one hundred eighty-five thousand dollars, or so much thereof as may be necessary, for the biennium ending June 30, 1981, for the purpose of conducting a study

of general aviation and intrastate air carriers operating in Washington. Such study shall address, but not be limited to, airport licensing, standards, and inspection, emergency landing facilities, economic and safety regulations of commercial intrastate carriers, aircraft registration and inspection, pilot regulations, and the development of procedures for effecting state and federal cooperative programs relating to aviation safety.

Sec. 6. Section 1, chapter 128, Laws of 1961 as last amended by section 1, chapter 7, Laws of 1979 1st ex. sess., by section 1, chapter 26, Laws of 1979 1st ex. sess., by section 1, chapter 27, Laws of 1979 1st ex. sess., and by section 50, chapter ... (EHB 101), Laws of 1979 1st ex. sess. and RCW 46.16.380 are each amended and reenacted to read as follows:

Any person who submits satisfactory proof to the director that he or she has lost both of his or her lower extremities, or has lost the normal or full use thereof, or is so severely disabled as to be unable to move without the aid of crutches or a wheelchair, or has lost both hands, or who suffers from lung disease to such an extent that forced expiratory respiratory volume, when measured by spirometry, is less than one liter per second, shall be entitled to receive a special card to be left in a vehicle in a conspicuous place, bearing distinguishing marks, letters, or numerals indicating that the vehicle is being used to transport such a disabled person. Such a disabled person shall also be entitled to receive for one motor vehicle only, a special decal to be affixed to the vehicle in a conspicuous place designated by the director, bearing distinguishing marks, letters, or numerals indicating that the vehicle is owned by or primarily used for such a disabled person. The disabled person is also entitled to receive, in lieu of the decal and regular motor vehicle license plates, special license plates bearing distinguishing marks, letters, or numerals indicating that the vehicle is owned by such a disabled person. Vehicles displaying the special license plate, card, or decal shall be entitled to use parking places otherwise reserved for physically disabled persons pursuant to chapter 70.92 RCW, or authority implemental thereof. Whenever the disabled person transfers or assigns his or her interest in the vehicle, the special decals or license plates shall be removed from the motor vehicle. Such person shall immediately surrender the decal to the director together with a notice of the transfer of interest in such vehicle. If another vehicle is acquired by, or for the primary use of, the disabled person, a new decal shall be issued by the director. Application for renewal, except for the permanently disabled who shall be issued a permanent card, must be made by January 10th of each renewal year together with satisfactory proof of the right to continued use of such special card and decal. If another vehicle is acquired by the disabled person and special plates are used, they shall be attached to the vehicle, and the director shall be immediately notified of the transfer of plates. If another vehicle is not acquired by the disabled person, the removed plates shall be immediately forwarded to the director to be re-issued later upon payment of the regular registration fee.

The special license plates shall be renewed in the same manner and at the time required for the renewal of regular motor vehicle license plates under this chapter. No special license plate may be issued to a person who is temporarily disabled. A person who is permanently disabled under this section shall be issued a permanent card. A person who is temporarily disabled under this section shall be issued a temporary card which shall be renewed, at such times as the director may require, by satisfactory proof of the right to continued use of the card.

No additional fees shall be charged for the issuance of the special card and decal, and, at the time the vehicle is originally licensed in this state, no additional fee may be charged for the issuance of the special license plates except the regular motor vehicle registration fee and any other fees and taxes required to be paid upon initial registration of a motor vehicle. On the effective date of this 1979 act, any disabled person who is entitled to receive a special license plate under this section and who has valid Washington state license plates for his or her motor vehicle shall be entitled to receive special license plates upon payment of the fee prescribed in RCW 46.16.270 and surrender of the existing plates.

The director shall promulgate such rules and regulations as he or she deems necessary to carry into effect this section.

Any unauthorized use of (~~such distinguishing license plate,~~) the special card (~~or~~), the decal, or the special license plate is a traffic infraction.

It is a traffic infraction for any person (~~parking~~) to park a vehicle in a parking place reserved for physically disabled persons pursuant to chapter 70.92 RCW, or authority supplemental thereof, without a special license plate, card, or decal as in this section provided(~~(, shall be guilty of a misdemeanor. PROVIDED, That)~~). A person charged with a violation hereof shall not be (~~convicted~~) determined to have committed an infraction if he produces in court or prior to the court appearance the special license plate, special card, or special decal required hereunder or demonstrates he was entitled to the same at the time of being ticketed.

NEW SECTION. Sec. 7. Section 6 of this 1979 act shall take effect July 1, 1980. Sections 1 through 5 of this 1979 act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect on July 1, 1979.

Passed the House May 7, 1979.

Passed the Senate May 2, 1979.

Approved by the Governor May 17, 1979.

Filed in Office of Secretary of State May 17, 1979.

CHAPTER 193

[House Bill No. 1241]

PROPERTY TAX EXEMPTION—OPEN SPACE, PARK LANDS

AN ACT Relating to property taxation of park lands; and amending section 43, chapter 149, Laws of 1967 ex. sess. as last amended by section 3, chapter 22, Laws of 1975-'76 2nd ex. sess. and RCW 84.36.260.

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

Section 1. Section 43, chapter 149, Laws of 1967 ex. sess. as last amended by section 3, chapter 22, Laws of 1975-'76 2nd ex. sess. and RCW 84.36.260 are each amended to read as follows:

All real property interests, including fee simple or any lesser interest, development rights, easements, covenants and conservation futures, as that latter term is defined in RCW 84.34.220 as now or hereafter amended, used exclusively for the conservation of ecological systems ((or)), natural resources, or open space, including park lands, held by any nonprofit corporation or association the primary purpose of which is the conducting or facilitating of scientific research or the conserving of natural resources or open space for the general public, shall be exempt from ad valorem taxation if either of the following conditions are met:

(1) To the extent feasible considering the nature of the property interest involved, such property interests shall be used and effectively dedicated primarily for the purpose of providing scientific research or educational opportunities for the general public or the preservation of native plants or animals, or biotic communities, or works of ancient man or geological or geographical formations, of distinct scientific and educational interest, and not for the pecuniary benefit of any person or company, as defined in RCW 82.04.030, and shall be open to the general public for educational and scientific research purposes subject to reasonable restrictions designed for its protection; or

(2) Such property interests shall be subject to an option, accepted in writing by the state, a city or a county, or department of the United States government, for the purchase thereof by the state, a city or a county, or the United States, at a price not exceeding the lesser of the following amounts: (a) the sum of the original purchase cost to such nonprofit corporation or association plus interest from the date of acquisition by such corporation or association at the rate of six percent per annum compounded annually to the date of the exercise of the option; or (b) the appraised value of the

property at the time of the granting of the option, as determined by the department of revenue or when the option is held by the United States, or by an appropriate agency thereof.

Passed the House May 9, 1979.

Passed the Senate May 7, 1979.

Approved by the Governor May 17, 1979.

Filed in Office of Secretary of State May 17, 1979.

CHAPTER 194

[Substitute House Bill No. 76]

CITIES AND COUNTIES—HOME RULE—LEGISLATIVE STUDY

AN ACT Relating to local government; and adding a new chapter to Title 35 RCW.

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

NEW SECTION. Section 1. The Legislature finds that confusion and ambiguity exists in relation to "home rule" powers of cities and counties. The legislature further recognizes that expansion of home rule powers creates questions of conflict and duplication of laws and ordinances, the effects of which are of concern to all the citizens of the state of Washington.

Therefore, the legislature hereby empowers and directs that a joint committee composed of six members of the Senate and six members of the House of Representatives be appointed to study the issue of "home rule." The committee shall be composed of three members of the majority and three members of the minority from each house of the legislature appointed by the President of the Senate and the Speaker(s) of the House of Representatives. The joint committee shall hold hearings and report to the legislature their findings and recommendations on or before February 1, 1981.

Passed the House May 11, 1979.

Passed the Senate April 12, 1979.

Approved by the Governor May 24, 1979.

Filed in Office of Secretary of State May 24, 1979.

CHAPTER 195

[House Bill No. 100]

STATE ROUTE NUMBER 27

AN ACT Relating to state highway routes; and amending section 24, chapter 51, Laws of 1970 ex. sess. as amended by section 2, chapter 63, Laws of 1975 and RCW 47.17.115.

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

Section. 1. Section 24, chapter 51, Laws of 1970 ex. sess. as amended by section 2, chapter 63, Laws of 1975 and RCW 47.17.115 are each amended to read as follows:

A state highway to be known as state route number 27 is established as follows:

Beginning at a junction with state route number (~~(270-at)~~) 195 in the vicinity of Pullman, thence northerly to a junction with state route number 271 in the vicinity of Oakesdale; also

From a junction with state route number 271 at Oakesdale, thence in a northerly direction by way of Tekoa, Latah, Fairfield, and Rockford to a junction with state route number 90 in the vicinity of Opportunity.

Passed the House March 21, 1979.

Passed the Senate May 11, 1979.

Approved by the Governor May 24, 1979.

Filed in Office of Secretary of State May 24, 1979.

CHAPTER 196

[Substitute House Bill No. 302]

TAXATION—RATES—EXEMPTIONS—DEDUCTIONS

AN ACT Relating to business and occupation taxation; amending section 82.02.020, chapter 15, Laws of 1961, section 16, chapter 236, Laws of 1967, and section 8, chapter 94, Laws of 1970, 1st ex. sess., and RCW 82.02.020; amending section 82.04.240, chapter 15, Laws of 1961 as last amended by section 3, chapter 281, Laws of 1971 ex. sess. and RCW 82.04.240; amending section 82.04.260, chapter 15, Laws of 1961 as last amended by section 7, chapter 291, Laws of 1975 1st ex. sess. and RCW 82.04.260; amending section 82.04.300, chapter 15, Laws of 1961 as last amended by section 41, chapter 278, Laws of 1975 1st ex. sess. and RCW 82.04.300; amending section 82.04.430, chapter 15, Laws of 1961 as last amended by section 1, chapter 105, Laws of 1977 ex. sess. and RCW 82.04.430; amending section 2, chapter 169, Laws of 1974 ex. sess. and RCW 82.04.442; amending section 7, chapter 37, Laws of 1974 ex. sess. as amended by section 1, chapter 35, Laws of 1977 ex. sess. and RCW 35.21.755; amending section 14, chapter 61, Laws of 1975-'76 2nd ex. sess. and RCW 84.36.451; amending section 2, chapter 61, Laws of 1975-'76 2nd ex. sess. and RCW 82.29A.020; adding new sections to chapter 82.04 RCW; providing an effective date; and declaring an emergency.

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

Section 1. Section 82.04.240, chapter 15, Laws of 1961 as last amended by section 3, chapter 281, Laws of 1971 ex. sess. and RCW 82.04.240 are each amended to read as follows:

Upon every person except persons taxable under subsections (2), (3), (4), (5), (6), (~~(8)~~), (9), or (10) of RCW 82.04.260 engaging within this state in business as a manufacturer; as to such persons the amount of the tax with respect to such business shall be equal to the value of the products, including byproducts, manufactured, multiplied by the rate of forty-four one-hundredths of one percent.

The measure of the tax is the value of the products, including byproducts, so manufactured regardless of the place of sale or the fact that deliveries may be made to points outside the state.

Sec. 2. Section 82.04.260, chapter 15, Laws of 1961 as last amended by section 7, chapter 291, Laws of 1975 1st ex. sess. and RCW 82.04.260 are each amended to read as follows:

(1) Upon every person engaging within this state in the business of buying wheat, oats, dry peas, corn, rye and barley, but not including any manufactured or processed products thereof, and selling the same at wholesale; the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of one one-hundredth of one percent.

(2) Upon every person engaging within this state in the business of manufacturing wheat into flour, soybeans into soybean oil, or sunflower seeds into sunflower oil; as to such persons the amount of tax with respect to such business shall be equal to the value of the flour or oil manufactured, multiplied by the rate of one-eighth of one percent.

(3) Upon every person engaging within this state in the business of splitting or processing dried peas; as to such persons the amount of tax with respect to such business shall be equal to the value of the peas split or processed, multiplied by the rate of one-quarter of one percent.

(4) Upon every person engaging within this state in the business of manufacturing seafood products which remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing by that person; as to such persons the amount of tax with respect to such business shall be equal to the value of the products manufactured, multiplied by the rate of one-eighth of one percent.

(5) Upon every person engaging within this state in the business of manufacturing by canning, preserving, freezing or dehydrating fresh fruits and vegetables; as to such persons the amount of tax with respect to such business shall be equal to the value of the products canned, preserved, frozen or dehydrated multiplied by the rate of three-tenths of one percent.

(6) Upon every person engaging within this state in the business of manufacturing aluminum pig, ingot, billet, plate, sheet (flat or coiled), rod, bar, wire, cable or extrusions; as to such persons the amount of the tax with respect to such business shall be equal to the value of the products manufactured multiplied by the rate of four-tenths of one percent.

(7) Upon every nonprofit corporation and nonprofit association engaging within this state in research and development, as to such corporations and associations, the amount of tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of forty-four one-hundredths of one percent.

(8) Upon every person engaging within this state in the business of slaughtering, breaking and/or processing perishable meat products and/or selling the same at wholesale; as to such persons the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of thirty-three one-hundredths of one percent.

(9) Upon every person engaging within this state in the business of making sales, at retail or wholesale, of nuclear fuel assemblies manufactured by that person, as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds of sales of the assemblies multiplied by the rate of twenty-five one-hundredths of one percent.

(10) Upon every person engaging within this state in the business of manufacturing nuclear fuel assemblies, as to such persons the amount of tax with respect to such business shall be equal to the value of the products manufactured multiplied by the rate of twenty-five one-hundredths of one percent.

(11) Upon every person engaging within this state in the business of acting as a travel agent; as to such persons the amount of the tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of twenty-five one-hundredths of one percent.

(12) Upon every person engaging within this state in business as an international steamship agent, international customs house broker, international freight forwarder, vessel and/or cargo charter broker in foreign commerce, and/or international air cargo agent; as to such persons the amount of the tax with respect to only international activities shall be equal to the gross income derived from such activities multiplied by the rate of thirty-three one-hundredths of one percent.

(13) Upon every person engaging within this state in the business of stevedoring and associated activities pertinent to the movement of goods and commodities in waterborne interstate or foreign commerce; as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds derived from such activities multiplied by the rate of thirty-three one hundredths of one percent. Persons subject to taxation under this subsection shall be exempt from payment of taxes imposed by chapter 82.16 RCW for that portion of their business subject to taxation under this subsection. Stevedoring and associated activities pertinent to the conduct of goods and commodities in waterborne interstate or foreign commerce are defined as all activities of a labor, service or transportation nature whereby cargo may be loaded or unloaded to or from vessels or barges, passing over, onto or under a wharf, pier, or similar structure; cargo may be moved to a warehouse or similar holding or storage yard or area to await further movement in import or export or may move to a consolidation freight station and be stuffed, unstuffed, containerized, separated or otherwise segregated or aggregated for delivery or loaded on any mode of transportation for delivery to its consignee. Specific activities included in this definition are: wharfage, handling, loading, unloading, moving of cargo to a convenient place of delivery to the consignee or a convenient place for further movement to export mode; documentation services in connection with the receipt, delivery, checking, care, custody and control of cargo required in

the transfer of cargo; imported automobile handling prior to delivery to consignee; terminal stevedoring and incidental vessel services, including but not limited to plugging and unplugging refrigerator service to containers, trailers, and other refrigerated cargo receptacles, and securing ship hatch covers.

Sec. 3. Section 82.02.020, chapter 15, Laws of 1961, section 16, chapter 236, Laws of 1967, and section 8, chapter 94, Laws of 1970, 1st ex. sess., and RCW 82.02.020 are each amended to read as follows:

Except only as expressly provided in RCW 67.28.180 and 67.28.190 and the provisions of chapter 82.14 RCW, the state preempts the field of imposing taxes upon retail sales of tangible personal property, the use of tangible personal property, parimutuel wagering authorized pursuant to RCW 67.16.060, conveyances, and cigarettes, and no county, town, or other municipal subdivision shall have the right to impose taxes of that nature.

Sec. 4. Section 82.04.300, chapter 15, Laws of 1961 as last amended by section 41, chapter 278, Laws of 1975 1st ex. sess. and RCW 82.04.300 are each amended to read as follows:

This chapter shall apply to any person engaging in any business activity taxable under RCW 82.04.230, 82.04.240, 82.04.250, 82.04.260, 82.04.270, 82.04.275, 82.04.280 and 82.04.290 other than those whose value of products, gross proceeds of sales, or gross income of the business is less than (~~three hundred~~) one thousand dollars per month: PROVIDED, That where one person engages in more than one business activity and the combined measures of the tax applicable to such businesses equal or exceed (~~three hundred~~) one thousand dollars per month, no exemption or deduction from the amount of tax is allowed by this section.

Any person claiming exemption under the provisions of this section may be required to file returns even though no tax may be due: PROVIDED, FURTHER, That the department of revenue may allow exemptions, by general rule or regulation, in those instances in which quarterly, semiannual, or annual returns are permitted. Exemptions for such periods shall be equivalent in amount to the total of exemptions for each month of a reporting period.

Sec. 5. Section 82.04.430, chapter 15, Laws of 1961 as last amended by section 1, chapter 105, Laws of 1977 ex. sess. and RCW 82.04.430 are each amended to read as follows:

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

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

(2) Amounts derived from bona fide initiation fees, dues, contributions, donations, tuition fees, charges made for operation of privately operated kindergartens, and endowment funds. This paragraph shall not be construed to exempt any person, association, or society from tax liability upon selling tangible personal property or upon providing facilities or services for which a special charge is made to members or others. ~~((Dues which are for, or graduated upon, the amount of service rendered by the recipient thereof are not permitted as a deduction hereunder;))~~ If dues are in exchange for any significant amount of goods or services rendered by the recipient thereof to members without any additional charge to the member, or if the dues are graduated upon the amount of goods or services rendered, the value of such goods or services shall not be considered as a deduction hereunder;

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

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

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

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

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

(8) Amounts derived as compensation for services rendered or to be rendered to patients or from sales of prescription drugs as defined in RCW 82.08.030 furnished as an integral part of services rendered to patients by a hospital, as defined in chapter 70.41 RCW, devoted to the care of human beings with respect to the prevention or treatment of disease, sickness, or suffering, when such hospital is operated by the United States or any of its instrumentalities, or by the state, or any of its political subdivisions;

(9) Amounts derived as compensation for services rendered to patients or from sales of prescription drugs as defined in RCW 82.08.030 furnished as an integral part of services rendered to patients by a hospital, as defined in chapter 70.41 RCW, which is operated as a nonprofit corporation, nursing homes and homes for unwed mothers operated as religious or charitable organizations, but only if no part of the net earnings received by such an institution inures directly or indirectly, to any person other than the institution entitled to deduction hereunder. In no event shall any such deduction

be allowed, unless the hospital building is entitled to exemption from taxation under the property tax laws of this state;

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

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

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

(13) Amounts derived as interest on loans to bona fide farmers and ranchers, producers or harvesters of aquatic products, or their cooperatives by a lending institution which is owned exclusively by its borrowers or members and which is engaged solely in the business of making loans ((for agricultural production)) and providing finance-related services to bona fide farmers and ranchers, producers or harvesters of aquatic products, their cooperatives, rural residents for housing, or persons engaged in furnishing farm-related or aquatic-related services to these individuals or entities;

(14) By persons subject to payment of the tax on manufacturers pursuant to RCW 82.04.240, the value of articles to the extent of manufacturing activities completed outside the United States, if

(a) any additional processing of such articles in this state consists of minor final assembly only, and

(b) in the case of domestic manufacture of such articles, can be and normally is done at the place of initial manufacture, and

(c) the total cost of the minor final assembly does not exceed two percent of the value of the articles, and

(d) the articles are sold and shipped outside the state;

(15) That portion of amounts received by any funeral home licensed to do business in this state which is received as reimbursements for expenditures (for goods supplied or services rendered by a person not employed by or affiliated or associated with the funeral home) and advanced by such funeral home as an accommodation to the persons paying for a funeral, so long as such expenditures and advances are billed to the persons paying for the funeral at only the exact cost thereof and are separately itemized in the billing statement delivered to such persons.

(16) Amounts received from the United States or any instrumentality thereof or from the state of Washington or any municipal corporation or political subdivision thereof as compensation for, or to support, health or social welfare services rendered by a health or social welfare organization or by a municipal corporation or political subdivision.

(17) Amounts used solely for repair, maintenance, replacement, management, or improvement of the residential structures and commonly held property, but excluding property where fees or charges are made for use by the public who are not guests accompanied by a member, which are derived by:

(a) A cooperative housing association, corporation, or partnership from a person who resides in a structure owned by the cooperative housing association, corporation, or partnership;

(b) An association of owners of property as defined in RCW 64.32.010, as now or hereafter amended, from a person who is an apartment owner as defined in RCW 64.32.010; or

(c) An association of owners of residential property from a person who is a member of the association. "Association of owners of residential property" means any organization of all the owners of residential property in a defined area who all hold the same property in common within the area.

For the purposes of this subsection "commonly held property" includes areas required for common access such as reception areas, halls, stairways, parking, etc., and may include recreation rooms, swimming pools and small parks or recreation areas; but is not intended to include more grounds than are normally required in a residential area, or to include such extensive areas as required for golf courses, campgrounds, hiking and riding areas, boating areas, etc.

To qualify for the deductions under this section:

(a) The salary or compensation paid to officers, managers, or employees must be only for actual services rendered and at levels comparable to the salary or compensation of like positions within the county wherein the property is located;

(b) Dues, fees, or assessments in excess of amounts needed for the purposes for which the deduction is allowed must be rebated to the members of the association;

(c) Assets of the association or organization must be distributable to all members and must not inure to the benefit of any single member or group of members.

NEW SECTION. Sec. 6. There is added to chapter 82.04 RCW a new section to read as follows:

(1) For the purposes of RCW 82.04.430(16), the term "health or social welfare organization" means an organization which renders health or social welfare services as defined in subsection (2) of this section, which is a not-for-profit corporation under chapter 24.03 RCW and which is managed by a governing board of not less than eight individuals none of whom is a paid employee of the organization or which is a corporation sole under chapter 24.12 RCW. In addition a corporation in order to be exempt under RCW 82.04.430(16) shall satisfy the following conditions:

(a) No part of its income may be paid directly or indirectly to its members, stockholders, officers, directors, or trustees except in the form of services rendered by the corporation in accordance with its purposes and bylaws;

(b) Salary or compensation paid to its officers and executives must be only for actual services rendered, and at levels comparable to the salary or compensation of like positions within the public service of the state;

(c) Assets of the corporation must be irrevocably dedicated to the activities for which the exemption is granted and, on the liquidation, dissolution, or abandonment by the corporation, may not inure directly or indirectly to the benefit of any member or individual except a nonprofit organization, association, or corporation which also would be entitled to the exemption;

(d) The corporation must be duly licensed or certified where licensing or certification is required by law or regulation;

(e) The amounts received qualifying for exemption must be used for the activities for which the exemption is granted;

(f) Services must be available regardless of race, color, national origin, or ancestry; and

(g) The director of revenue shall have access to its books in order to determine whether the corporation is exempt from taxes within the intent of RCW 82.04.430(16) and this section.

(2) The term "health or social welfare services" includes and is limited to:

(a) Mental health, drug, or alcoholism counseling or treatment;

(b) Family counseling;

(c) Health care services;

(d) Therapeutic, diagnostic, rehabilitative, or restorative services for the care of the sick, aged, or physically, developmentally, or emotionally-disabled individuals;

(e) Activities which are for the purpose of preventing or ameliorating juvenile delinquency or child abuse, including recreational activities for those purposes;

(f) Care of orphans or foster children;

(g) Day care of children;

(h) Employment development, training, and placement; and

(i) Legal services to the indigent.

NEW SECTION. Sec. 7. There is added to chapter 82.04 RCW a new section to read as follows:

(1) This chapter does not apply to amounts derived by a nonprofit organization as a result of conducting or participating in a bazaar or rummage sale if:

(a) The organization does not conduct or participate in more than two bazaars or rummage sales per year; and

(b) Each bazaar or rummage sale does not extend over a period of more than two days; and

(c) The gross income received by each organization from each bazaar or rummage sale does not exceed one thousand dollars.

(2) For purposes of this section, "nonprofit organization" means an organization that meets all of the following criteria:

(a) The members, stockholders, officers, directors, or trustees of the organization do not receive any part of the organization's gross income, except as payment for services rendered;

(b) The compensation received by any person for services rendered to the organization does not exceed an amount reasonable under the circumstances; and

(c) The activities of the organization do not include a substantial amount of political activity, including but not limited to influencing legislation and participation in any campaign on behalf of any candidate for political office.

Sec. 8. Section 2, chapter 169, Laws of 1974 ex. sess. and RCW 82.04-.442 are each amended 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 May 10, 1974 by any taxpayer upon business inventories during the same calendar year or paid after delinquency under extenuating circumstances if approved by the department of revenue 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

Sec. 9. Section 7, chapter 37, Laws of 1974 ex. sess. as amended by section 1, chapter 35, Laws of 1977 ex. sess. and RCW 35.21.755 are each amended to read as follows:

A public corporation, commission, or authority created pursuant to RCW 35.21.730 or 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 RCW 35.21.725 through 35.21.755, 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: PROVIDED FURTHER, That the provisions of chapter 82.29A RCW(~~(, and RCW 84.36.451 and 84.40.175)~~) shall not apply to property within a district listed on any federal or state register of historical sites and which is controlled by a public corporation, commission, or authority created pursuant to RCW 35.21.730 or 35.21.660, which was in existence prior to January 1, 1976(~~(, and the exemption set forth in this proviso shall be allowed in accordance with the following schedule:~~

Year	Percentage Exemption of Tax Otherwise Due
1977 to 1981	100 percent
1982 to 1985	66 2/3 percent
1986 to 1989	33 1/3 percent

and shall expire on December 31, 1989)).

Sec. 10. Section 14, chapter 61, Laws of 1975-'76 2nd ex. sess. and RCW 84.36.451 are each amended to read as follows:

The following property shall be exempt from taxation: Any and all rights to occupy or use any real or personal property owned in fee or held in trust by:

(1) The United States, the state of Washington, or any political subdivision or municipal corporation of the state of Washington(;;); or

(2) A public corporation, commission, or authority created under RCW 35.21.730 or 35.21.660 if the property is listed on or is within a district listed on any federal or state register of historical sites; and

(3) Including any leasehold interest arising from ((such)) the property identified in subsections (1) and (2) of this section as defined in RCW 82.29A.020: PROVIDED, That ((this)) the exemption under this section shall not apply to any such leasehold interests which are a part of operating properties of public utilities subject to assessment under chapter 84.12 RCW nor be construed to modify the provisions of RCW 84.40.230.

Sec. 11. Section 2, chapter 61, Laws of 1975-'76 2nd ex. sess. and RCW 82.29A.020 are each amended to read as follows:

As used in this chapter the following terms shall be defined as follows, unless the context otherwise requires:

(1) "Leasehold interest" shall mean an interest in publicly owned real or personal property which exists by virtue of any lease, permit, license, or any other agreement, written or verbal, between the public owner of the property and a person who would not be exempt from property taxes if that person owned the property in fee, granting possession and use, to a degree less than fee simple ownership: PROVIDED, That no interest in personal property (excluding land or buildings) which is owned by the United States, whether or not as trustee, or by any foreign government shall constitute a leasehold interest hereunder when the right to use such property is granted pursuant to a contract solely for the manufacture or production of articles for sale to the United States or any foreign government. The term "leasehold interest" shall include the rights of use or occupancy by others of property which is owned in fee or held in trust by a public corporation, commission, or authority created under RCW 35.21.730 or 35.21.660 if the property is listed on or is within a district listed on any federal or state register of historical sites. The term "leasehold interest" shall not include road or utility easements or rights of access, occupancy or use granted solely for the purpose of removing materials or products purchased from a public owner or the lessee of a public owner.

(2) "Taxable rent" shall mean contract rent as defined in subsection (a) of this subsection in all cases where the lease or agreement has been established or renegotiated through competitive bidding, or negotiated or renegotiated in accordance with statutory requirements regarding the rent payable, or negotiated or renegotiated under circumstances, established by public record, clearly showing that the contract rent was the maximum attainable by the lessor: PROVIDED, That after January 1, 1986, with respect to any lease which has been in effect for ten years or more without renegotiation, taxable rent may be established by procedures set forth in subsection (b) of this subsection. All other leasehold interests shall be subject to the determination of taxable rent under the terms of subsection (b) of this subsection.

(a) "Contract rent" shall mean the amount of consideration due as payment for a leasehold interest, including: The total of cash payments made to the lessor or to another party for the benefit of the lessor according to the requirements of the lease or agreement; expenditures for the protection of the lessor's interest when required by the terms of the lease or agreement; and expenditures for improvements to the property to the extent that such improvements become the property of the lessor. Where the consideration conveyed for the leasehold interest is made in combination with payment for concession or other rights granted by the lessor, only that portion of such payment which represents consideration for the leasehold interest shall be part of contract rent.

"Contract rent" shall not include: (i) Expenditures made by the lessee, which under the terms of the lease or agreement, are to be reimbursed by

the lessor to the lessee; (ii) expenditures made by the lessee for the replacement or repair of facilities due to fire or other casualty or for alterations or additions made necessary by an action of government taken after the date of the execution of the lease or agreement; (iii) improvements added to publicly owned property by a sublessee under an agreement executed prior to January 1, 1976, which have been taxed as personal property of the sublessee prior to January 1, 1976, or improvements made by a sublessee of the same lessee under a similar agreement executed prior to January 1, 1976, and such improvements shall be taxable to the sublessee as personal property; (iv) improvements added to publicly owned property if such improvements are being taxed as personal property to any person.

Any prepaid contract rent shall be considered to have been paid in the year due and not in the year actually paid with respect to prepayment for a period of more than one year. Expenditures for improvements with a useful life of more than one year which are included as part of contract rent shall be treated as prepaid contract rent and prorated over the useful life of the improvement or the remaining term of the lease or agreement if the useful life is in excess of the remaining term of the lease or agreement. Rent prepaid prior to January 1, 1976, shall be prorated from the date of prepayment.

With respect to a "product lease", the value of agricultural products received as rent shall be the value at the place of delivery as of the fifteenth day of the month of delivery; with respect to all other products received as contract rent, the value shall be that value determined at the time of sale under terms of the lease.

(b) If it shall be determined by the department of revenue, upon examination of a lessee's accounts or those of a lessor of publicly owned property, that a lessee is occupying or using publicly owned property in such a manner as to create a leasehold interest and that such leasehold interest has not been established through competitive bidding, or negotiated in accordance with statutory requirements regarding the rent payable, or negotiated under circumstances, established by public record, clearly showing that the contract rent was the maximum attainable by the lessor, the department may establish a taxable rent computation for use in determining the tax payable under authority granted in this chapter based upon the following criteria: (i) Consideration shall be given to rental being paid to other lessors by lessees of similar property for similar purposes over similar periods of time; (ii) consideration shall be given to what would be considered a fair rate of return on the market value of the property leased less reasonable deductions for any restrictions on use, special operating requirements or provisions for concurrent use by the lessor, another person or the general public.

(3) "Product lease" as used in this chapter shall mean a lease of property for use in the production of agricultural or marine products to the extent that such lease provides for the contract rent to be paid by the delivery

of a stated percentage of the production of such agricultural or marine products to the credit of the lessor or the payment to the lessor of a stated percentage of the proceeds from the sale of such products.

(4) "Renegotiated" means a change in the lease agreement which changes the agreed time of possession, restrictions on use, the rate of the cash rental or of any other consideration payable by the lessee to or for the benefit of the lessor, other than any such change required by the terms of the lease or agreement. In addition "renegotiated" shall mean a continuation of possession by the lessee beyond the date when, under the terms of the lease agreement, the lessee had the right to vacate the premises without any further liability to the lessor.

(5) "City" means any city or town.

NEW SECTION. Sec. 12. There is added to chapter 82.04 RCW a new section to read as follows:

This chapter shall not apply to school districts and educational service districts as defined in Title 28A RCW, in respect to materials printed in the school district and educational service districts printing facilities when said materials are used solely for school district and educational service district purposes.

NEW SECTION. Sec. 13. There is added to chapter 82.04 RCW a new section to read as follows:

The tax imposed by RCW 82.04.270(1) does not apply to any person who manufactures alcohol with respect to sales of said alcohol to be used in the production of gasohol for use as motor vehicle fuel. As used in this section, "motor vehicle fuel" has the meaning given in RCW 82.36.010(2), and "gasohol" means motor vehicle fuel which contains more than nine and one-half percent alcohol by volume.

NEW SECTION. Sec. 14. There is added to chapter 82.04 RCW a new section to read as follows:

This chapter does not apply to any county, city or town as defined in Title 35 RCW and Title 36 RCW, in respect to materials printed in the county, city or town printing facilities when said materials are used solely for said county, city or town purposes.

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 on July 1, 1979.

Passed the House May 14, 1979.

Passed the Senate May 11, 1979.

Approved by the Governor May 24, 1979.

Filed in Office of Secretary of State May 24, 1979.

CHAPTER 197

[House Bill No. 376]

PACIFIC NORTHWEST FESTIVAL FACILITY—BOND ISSUE—STEERING
COMMISSION

AN ACT Relating to commerce and economic development; providing for the planning, design, construction, furnishing, and landscaping of a multi-theatre international performing arts facility; providing for the financing thereof by issuance of bonds and anticipation notes; creating the international performing arts festival steering commission; authorizing the acceptance of a gift of real property as a site for such facility; adding new sections to chapter 43.31 RCW; and declaring an emergency.

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

NEW SECTION. Section 1. The legislature finds that expansion of cultural tourism would attract new visitors to our state and aid the development of a nonpolluting industry. The construction of the facility provided for in sections 2 through 9 of this act would enhance the industry's ability to attract such new visitors. The additional income and employment would strengthen the economic base of the state.

It is declared that the creation and development of a multi-theatre international performing arts facility will enhance the progress and economic growth of this state. The continued growth and development of this recreational industry provides for the general welfare and is an appropriate matter of concern to the people of the state of Washington.

NEW SECTION. Sec. 2. For the purpose of providing a matching grant for the planning, design, construction, furnishing, and landscaping of a multi-theatre international performing arts facility designated as "the Pacific northwest festival facility" and located in south King county in the vicinity of Federal Way, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of five million dollars, or so much thereof as may be required to finance that portion of the grant by the state for the project as provided by law. No bonds authorized by this section shall be offered for sale without prior legislative appropriation, and these 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.

No bonds may be issued until the director of the department of commerce and economic development certifies to the state finance committee that not less than fifteen million dollars in additional federal and private funding has been provided or secured as matching money for the purposes of sections 2 through 9 of this act.

The state finance committee is authorized to prescribe the form of the bonds, the time of sale of all or any portion or portions of the 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. 3. At the time the state finance committee determines to issue the bonds authorized in section 2 of this act, or a portion thereof, it may, pending the issuance thereof, 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." The proceeds from the sale of bonds and notes authorized by section 2 of this act and this section shall be deposited in the Pacific northwest festival facility construction account, hereby created in the general fund in the state treasury, and shall be used exclusively for the purposes specified in sections 2 through 9 of this act and for the payment of expenses incurred in the issuance and sale of the bonds and notes: PROVIDED, That such portion of the proceeds of the sale of such bonds as may be required for the payment of the principal and interest on such anticipation notes as have been issued, shall be deposited in the Pacific northwest festival facility bond redemption fund of 1979 in the state treasury created by section 5 of this act.

NEW SECTION. Sec. 4. The principal proceeds from the sale of the bonds authorized in section 2 of this act shall be administered by the director of the department of commerce and economic development.

NEW SECTION. Sec. 5. The Pacific northwest festival facility bond redemption fund of 1979, hereby created in the state treasury, shall be used for the purpose of the payment of interest on and retirement of the bonds and notes authorized to be issued by sections 2 and 3 of this act. The state finance committee, on or before June 30th of each year, shall certify to the state treasurer the amount needed in the ensuing twelve months to meet bond retirement and interest requirements. Not less than thirty days prior to the date on which any such interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the Pacific northwest festival facility bond redemption fund of 1979 an amount equal to the amount certified by the state finance committee to be due on such payment date.

If a state general obligation bond retirement fund is created in the state treasury by chapter ... (SB 2361 or HB 569), Laws of 1979 1st ex. sess. and becomes effective by statute prior to the issuance of any of the bonds authorized by sections 2 through 9 of this act, the state general obligation bond retirement fund shall be used for purposes of sections 2 through 9 of this act in lieu of the Pacific northwest festival facility bond redemption fund of

1979, and the Pacific northwest festival facility bond redemption fund of 1979 shall cease to exist.

The owner and holder of each of the bonds or the trustee for any of the bonds, by mandamus or other appropriate proceeding, may require and compel the transfer and payment of funds as directed in this section.

NEW SECTION. Sec. 6. The bonds authorized by section 2 of this act shall be a legal investment for all state funds under state control and all funds of municipal corporations.

NEW SECTION. Sec. 7. The legislature finds that the forty-third and forty-fourth legislatures conducted studies relating to the feasibility and desirability of an international performing arts festival as an aid to the growth of the cultural tourism industry. The favorable results of those studies mandate that a steering commission be established to advise the director of the department of commerce and economic development in carrying out the provisions of sections 2 through 9 of this act.

The international performing festival arts steering commission is hereby created and shall consist of twelve members selected as follows:

(1) Five members shall be appointed by the governor, one of whom shall be designated by the governor as chairperson of the commission;

(2) Two members of the senate shall be appointed by the president of the senate;

(3) Two members of the house of representatives shall be appointed by the speakers of the house of representatives;

(4) One member of the King county council who shall be appointed by the council;

(5) One member of the Tacoma city council who shall be appointed by the council; and

(6) One member appointed by the Pierce county board of commissioners who may or may not be a board member.

The members of the commission shall serve without compensation. Meetings of the commission shall be at the call of the governor or the chairperson.

The commission shall terminate its duties on July 31, 1982, unless such termination date be removed or extended by law.

NEW SECTION. Sec. 8. The state of Washington is authorized to accept a gift from a private donor of thirty acres of unimproved real estate located in south King county in the vicinity of Federal Way for the location of a multi-theatre international performing arts facility as a facility for the people of the state of Washington.

NEW SECTION. Sec. 9. The members of the international performing festival arts steering commission are empowered to form a nonprofit corporation under chapter 24.03 RCW. The members of the corporation shall be

members as long as they are members of the commission or until their successors are appointed and qualify.

NEW SECTION. Sec. 10. Sections 2 through 9 of this act shall be added to chapter 43.31 RCW.

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

Passed the House May 12, 1979.

Passed the Senate May 11, 1979.

Approved by the Governor May 24, 1979.

Filed in Office of Secretary of State May 24, 1979.

CHAPTER 198

[House Bill No. 441]

UTILITIES AND TRANSPORTATION REGULATION—PENALTY FEES

AN ACT Relating to regulatory fees; amending section 80.24.050, chapter 14, Laws of 1961 as amended by section 37, chapter 199, Laws of 1969 ex. sess. and RCW 80.24.050; amending section 81.24.080, chapter 14, Laws of 1961 and RCW 81.24.080; and prescribing penalties.

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

Section 1. Section 80.24.050, chapter 14, Laws of 1961 as amended by section 37, chapter 199, Laws of 1969 ex. sess. and RCW 80.24.050 are each amended to read as follows:

Every person, firm, company or corporation, or the officers, agents or employees thereof, failing or neglecting to pay the fees herein required shall be guilty of a misdemeanor(~~(, and in addition thereto shall be subject to a penalty of twenty-five dollars for each and every day that the fee remains unpaid after it becomes due, said penalty to be collected by the commission in a civil action)~~). All fines and penalties collected under the provisions of this chapter shall be deposited into the public service revolving fund of the state treasury: PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a justice court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended.

Sec. 2. Section 81.24.080, chapter 14, Laws of 1961 and RCW 81.24.080 are each amended to read as follows:

Every person, firm, company or corporation, or the officers, agents or employees thereof, failing or neglecting to pay the fees herein required shall be guilty of a misdemeanor (~~(, and in addition thereto shall be subject to a penalty of twenty-five dollars for each and every day that the fee remains unpaid after it becomes due, said penalty to be collected by the commission in a civil action)~~). All fines and penalties collected under the provisions of this chapter shall be deposited into the public service revolving fund of the state treasury: PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a justice court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended.

Passed the House March 21, 1979.

Passed the Senate May 11, 1979.

Approved by the Governor May 24, 1979.

Filed in Office of Secretary of State May 24, 1979.

CHAPTER 199

[Substitute House Bill No. 1121]

INSURERS—SUBSIDIARIES—SERVICE OF PROCESS—PREMIUM REFUNDS—POLICY CANCELLATION, RENEWAL—AGENTS' SERVICE CHARGE

AN ACT Relating to insurance; amending section .01.05, chapter 79, Laws of 1947 as amended by section 1, chapter 13, Laws of 1975-'76 2nd ex. sess. and RCW 48.01.050; amending section .13.21, chapter 79, Laws of 1947 and RCW 48.13.210; amending section .15.15, chapter 79, Laws of 1947 as last amended by section 16, chapter 195, Laws of 1963 and RCW 48.15.150; amending section 2, chapter 265, Laws of 1971 ex. sess. as amended by section 2, chapter 109, Laws of 1975-'76 2nd ex. sess. and RCW 48.32.020; amending section .18.29, chapter 79, Laws of 1947 as amended by section 2, chapter 119, Laws of 1975-'76 2nd ex. sess. and RCW 48.18.290; amending section 19, chapter 241, Laws of 1969 ex. sess. and RCW 48.18.291; amending section 20, chapter 241, Laws of 1969 ex. sess. as amended by section 3, chapter 152, Laws of 1973 1st ex. sess. and RCW 48.18.292; amending section .18.30, chapter 79, Laws of 1947 amended by section 16, chapter 303, Laws of 1955 and RCW 48.18.300; amending section .24.16, chapter 79, Laws of 1947 as amended by section 23, chapter 303, Laws of 1955 and RCW 48.24.160; and adding a new section to chapter 48.30 RCW.

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

***Section 1. Section .01.05, chapter 79, Laws of 1947 as amended by section 1, chapter 13, Laws of 1975-'76 2nd ex. sess. and RCW 48.01.050 are each amended to read as follows:**

"Insurer" as used in this code includes every person engaged in the business of making contracts of insurance, other than a fraternal benefit society. A reciprocal or interinsurance exchange is an "insurer" as used in this code. Two or more hospitals, as defined in RCW 70.39.020(3), which join and organize as a mutual corporation pursuant to chapter 24.06 RCW for the purpose of insuring or self-insuring against liability claims, including medical

liability, through a contributing trust fund shall not be deemed an "insurer" under this code.

An association or other entity composed of five hundred or more health care professionals or attorneys licensed pursuant to chapters 18.71 or 18.88 RCW, or chapter 2.48 RCW, or an association or other entity composed of at least one-third of the health care professionals licensed pursuant to any of the following chapters: 18.22, 18.25, 18.32, or 18.57 RCW, and, if composed of more than five hundred members, meeting capital and surplus requirements set forth in RCW 48.05.340(1), or, if composed of less than five hundred members, meeting one-half of the capital and surplus requirements set forth in RCW 48.10.070(1), after a written determination by the insurance commissioner that insurance for professional malpractice claims including those brought under chapter 7.70 RCW is either unavailable or cost-prohibitive from an authorized insurance carrier, may join and organize as a mutual corporation pursuant to chapter 24.06 RCW for the purpose of insuring or self-insuring against professional malpractice claims including those brought under chapter 7.70 RCW through a contributing trust fund and shall not be deemed an "insurer" under this code: PROVIDED, That each such professional mutual corporation shall submit a financial and operational report annually to the legislative budget committee and the insurance commissioner.

*Section 1. was vetoed, see message at end of chapter.

*Sec. 2. Section 2, chapter 265, Laws of 1971 ex. sess. as amended by section 2, chapter 109, Laws of 1975-'76 2nd ex. sess. and RCW 48.32.020 are each amended to read as follows:

This chapter shall apply to all kinds of direct insurance, except life, title, surety, disability, credit, mortgage, guaranty, workmen's compensation ((and)), ocean marine insurance, and an insurance fund or captive insurer, whether or not holding a certificate of authority, controlled by one or more professional organizations and engaged exclusively in providing professional liability coverage for their members.

*Sec. 2. was vetoed, see message at end of chapter.

Sec. 3. Section .13.21, chapter 79, Laws of 1947 and RCW 48.13.210 are each amended to read as follows:

(1) An insurer other than a life insurer may invest a portion of its surplus funds in an aggregate amount not exceeding fifty percent of its surplus over its capital stock and other liabilities, or thirty-five percent of its capital funds, whichever is greater, in the stocks of other insurers organized and existing under the laws of states of the United States. Indirect or proportionate interests in insurance stocks held by an insurer through any intermediate subsidiary or subsidiaries shall be included in applying the limitations provided in subsections (1), (2), and (3) of this section.

(2) A life insurer may invest in such insurance stocks in an aggregate amount not exceeding the smaller of the following amounts: Five percent of its assets; or twenty-five percent of its surplus over its capital stock and

other liabilities, or of surplus over its required minimum surplus if a mutual life insurer.

(3) An insurer shall not purchase or hold as an investment more than five percent of the voting stock of any one other insurer, and subject further to the investment limits of RCW 48.13.030. This limitation shall not apply if such other insurer is the subsidiary of, and substantially all its shares having voting powers are owned by, ~~((an))~~ the insurer ~~((other than a life insurer))~~.

(4) No such insurance stock shall be eligible as an investment unless it meets the qualifications for stocks of other corporations as set forth in RCW 48.13.220.

(5) The limitations on investment in insurance stocks set forth in this chapter shall not apply to stocks acquired under a plan for merger of the insurers which has been approved by the commissioner or to shares received as stock dividends upon shares already owned.

Sec. 4. Section .15.15, chapter 79, Laws of 1947 as last amended by section 16, chapter 195, Laws of 1963 and RCW 48.15.150 are each amended to read as follows:

(1) An unauthorized insurer shall be sued, upon any cause of action arising in this state under any contract issued by it as a surplus line contract, pursuant to this chapter, in the superior court of the county in which the cause of action arose.

(2) Service of legal process against the insurer may be made in any such action by service upon the commissioner of duplicate copies of such legal process either by a person competent to serve a summons~~((;))~~ or by registered mail or certified mail with return receipt requested. At the time of such service the plaintiff shall pay to the commissioner ~~((two))~~ ten dollars, taxable as costs in the action. The commissioner shall forthwith mail the documents of process served, or a true copy thereof, to the insurer at its principal place of business last known to the commissioner, or to the person designated by the insurer ~~((in the policy for the))~~ for that purpose in the most recent document filed with the commissioner, on forms prescribed by the commissioner, by prepaid registered or certified mail with return receipt requested. The insurer shall have forty days from the date of service upon the commissioner within which to plead, answer, or otherwise defend the action. Upon service of process upon the commissioner in accordance with this provision, the court shall be deemed to have jurisdiction in personam of the insurer.

(3) An unauthorized insurer issuing such policy shall be deemed thereby to have authorized service of process against it in the manner and to the effect as provided in this section. Any such policy shall contain a provision ~~((stating the substance of this section, and))~~ designating the ~~((person to whom the))~~ commissioner ~~((shall mail process as provided in subsection (2) of this section))~~ as the person upon whom service of process may be made.

Sec. 5. Section .18.29, chapter 79, Laws of 1947 as amended by section 2, chapter 119, Laws of 1975-'76 2nd ex. sess. and RCW 48.18.290 are each amended to read as follows:

(1) Cancellation by the insurer of any policy which by its terms is cancellable at the option of the insurer, or of any binder based on such policy, may be effected as to any interest only upon compliance with either or both of the following:

(a) Written notice of such cancellation must be actually delivered or mailed to the insured or to his representative in charge of the subject of the insurance not less than twenty days prior to the effective date of the cancellation except for cancellation of insurance policies for nonpayment of premiums, which notice shall be not less than ten days prior to such date;

(b) Like notice must also be so delivered or mailed to each mortgagee, pledgee, or other person shown by the policy to have an interest in any loss which may occur thereunder.

(2) The mailing of any such notice shall be effected by depositing it in a sealed envelope, directed to the addressee at his last address as known to the insurer or as shown by the insurer's records, with proper prepaid postage affixed, in a letter depository of the United States post office. The insurer shall retain in its records any such item so mailed, together with its envelope, which was returned by the post office upon failure to find, or deliver the mailing to, the addressee.

(3) The affidavit of the individual making or supervising such a mailing, shall constitute prima facie evidence of such facts of the mailing as are therein affirmed.

(4) The portion of any premium paid to the insurer on account of the policy, unearned because of the cancellation and in amount as computed on the pro rata basis, must be actually paid to the insured or other person entitled thereto as shown by the policy or by any endorsement thereon, or be mailed to the insured or such person as soon as ~~((practicable following such cancellation))~~ possible but no later than thirty days after the date of notice of cancellation to the insured. Any such payment may be made by cash, or by check, bank draft, or money order.

(5) This section shall not apply to contracts of life or disability insurance without provision for cancellation prior to the date to which premiums have been paid.

Sec. 6. Section 19, chapter 241, Laws of 1969 ex. sess. and RCW 48.18.291 are each amended to read as follows:

(1) No contract of insurance predicated upon the use of a private passenger automobile shall be terminated by cancellation by the insurer until at least twenty days after mailing written notice of cancellation to the named insured at the latest address filed with the insurer by or on behalf of the named insured, accompanied by the reason therefor: PROVIDED, That where cancellation is for nonpayment of premium, or is within the first

thirty days after the contract has been in effect, at least ten days notice of cancellation, accompanied by the reason therefor, shall be given; PROVIDED HOWEVER, That in case of a contract evidenced by a written binder which has been delivered to the insured, if such binder contains a clearly stated expiration date, no additional notice of cancellation or nonrenewal shall be required.

(2) (a) No notice of cancellation by the insurer as to a contract of insurance to which subsection (1) applies shall be valid if sent more than sixty days after the ~~((policy))~~ contract has been in effect unless:

(i) The named insured fails to discharge when due any of his obligations in connection with the payment of premium for the policy or any installment thereof, whether payable directly to the insurer or to its agent or indirectly under any premium finance plan or extension of credit.

(ii) The driver's license of the named insured, or of any other operator who customarily operates an automobile insured under the policy, has been under suspension or revocation during the policy period or, if the policy is a renewal, during its policy period or the one hundred eighty days immediately preceding the effective date of the renewal policy.

(b) Modification by the insurer of automobile physical damage coverage by the inclusion of a deductible not exceeding one hundred dollars shall not be deemed a cancellation of the coverage or of the policy.

(3) The substance of subsections (1) and (2)(a) of this section must be set forth in each contract of insurance subject to the provisions of subsection (1) above, and may be in the form of an attached endorsement.

(4) No notice of cancellation of a policy which can be canceled only pursuant to subsection (2) shall be effective unless the reason therefor accompanies or is included in the notice of cancellation ~~((, or unless the notice of cancellation shall state or be accompanied by a statement that upon written request of the named insured, mailed or delivered to the insurer not less than five days prior to the effective date of cancellation, the insurer will specify the reason for such cancellation))~~.

Sec. 7. Section 20, chapter 241, Laws of 1969 ex. sess. as amended by section 3, chapter 152, Laws of 1973 1st ex. sess. and RCW 48.18.292 are each amended to read as follows:

(1) Each insurer shall be required to renew any contract of insurance subject to RCW 48.18.291 unless one of the following situations exists:

(a) The insurer gives the named insured at least twenty days' notice in writing as provided for in RCW 48.18.291(1), that it proposes to refuse to renew the insurance contract upon its expiration date; and sets forth therein the actual reason for refusing to renew; or

(b) At least twenty days prior to its expiration date, the insurer has communicated its willingness to renew in writing to the named insured, and has included therein a statement of the amount of the premium or portion thereof required to be paid by the insured to renew the policy and the date

by which such payment must be made, and the insured fails to discharge when due his obligation in connection with the payment of such premium or portion thereof; or

(c) The insured's agent or broker has procured other coverage acceptable to the insured (~~at least twenty days~~) prior to the expiration of the policy period.

(2) Renewal of a policy shall not constitute a waiver or estoppel with respect to grounds for cancellation which existed before the effective date of such renewal.

(3) "Renewal" or "to renew" means the issuance and delivery by an insurer of a ~~((policy))~~ contract of insurance replacing at the end of the ~~((policy))~~ contract period a ~~((policy))~~ contract of insurance previously issued and delivered by the same insurer, or the issuance and delivery of a certificate or notice extending the term of a ~~((policy))~~ contract beyond its policy period or term: PROVIDED, HOWEVER, That any ~~((policy))~~ contract of insurance with a policy period or term of six months or less whether or not made continuous for successive terms upon the payment of additional premiums shall for the purpose of RCW 48.18.291 through 48.18.297 be considered as if written for a policy period or term of six months: PROVIDED, FURTHER, That any policy written for a term longer than one year or any policy with no fixed expiration date, shall, for the purpose of RCW 48.18.291 through 48.18.297, be considered as if written for successive policy periods or terms of one year.

(4) On and after January 1, 1980, no policy of insurance subject to RCW 48.18.291 shall be issued for a policy period or term of less than six months.

(5) No insurer shall refuse to renew the liability and/or collision coverage of an automobile insurance policy on the basis that an insured covered by the policy of the insurer has submitted one or more claims under the comprehensive, road service, or towing coverage of the policy. Nothing in this subsection shall prohibit the nonrenewal of comprehensive, road service, or towing coverage on the basis of one or more claims submitted by an insured.

Sec. 8. Section .18.30, chapter 79, Laws of 1947 amended by section 16, chapter 303, Laws of 1955 and RCW 48.18.300 are each amended to read as follows:

(1) Cancellation by the insured of any policy which by its terms is cancellable at the insured's option or of any binder based on such policy may be effected by written notice thereof to the insurer or surrender of the policy or binder for cancellation prior to or on the effective date of such cancellation. In event the policy or binder has been lost or destroyed and cannot be so surrendered, the insurer may in lieu of such surrender accept and in good faith rely upon the insured's written statement setting forth the fact of such loss or destruction.

(2) As soon as (~~(practicable following such cancellation)~~) possible, but no later than thirty days after the receipt of the notice of cancellation from the policyholder, the insurer shall pay to the insured or to the person entitled thereto as shown by the insurer's records, any unearned portion of any premium paid on the policy as computed on the customary short rate or as otherwise specified in the policy: PROVIDED, That the refund of any unearned portion of any premium paid on a contract of dwelling fire insurance, homeowners' insurance, or insurance predicated upon the use of a private passenger automobile (as defined in RCW 48.18.297 and excluding contracts of insurance and policies enumerated in RCW 48.18.296) shall be computed on a pro rata basis and the insurer shall refund not less than ninety percent of any unearned portion not exceeding one hundred dollars, plus ninety-five percent of any unearned portion over one hundred dollars but not exceeding five hundred dollars, and not less than ninety-seven percent of the amount of any unearned portion in excess of five hundred dollars. If the amount of any refund is less than two dollars, no refund need be made. If no premium has been paid on the policy, the insured shall be liable to the insurer for premium for the period during which the policy was in force.

(3) The surrender of a policy to the insurer for any cause by any person named therein as having an interest insured thereunder shall create a presumption that such surrender is concurred in by all persons so named.

(4) This section shall not apply to life insurance policies or to annuity contracts.

Sec. 9. Section .24.16, chapter 79, Laws of 1947 as amended by section 23, chapter 303, Laws of 1955 and RCW 48.24.160 are each amended to read as follows:

There shall be a provision that any sum becoming due by reason of the death of the individual insured shall be payable to the beneficiary designated by such individual, subject to the provisions of the policy in the event there is no designated beneficiary, as to all or any part of such sum, living at the death of the individual insured and subject to any right reserved by the insurer in the policy and set forth in the certificate to pay at its option a part of such sum not exceeding (~~(five hundred)~~) one thousand dollars to any person appearing to the insurer to be equitably entitled thereto by reason of having incurred funeral or other expenses incident to the last illness or death of the individual insured.

NEW SECTION. Sec. 10. There is added to chapter 48.30 RCW a new section to read as follows:

Notwithstanding the provisions of RCW 48.30.140, 48.30.150, and 48.30.155, the commissioner may permit an agent or broker to enter into reasonable arrangements with insureds and prospective insureds in situations where services are provided beyond the scope of services customarily provided in connection with the solicitation and procurement of insurance, so

that an overall charge to an insured or prospective insured is reasonable taking into account receipt of commissions and fees and their relation, proportionally, to the value of the total work performed.

Such arrangements, when prior authorization from the commissioner is obtained, shall not constitute violations subject to RCW 48.30.160.

Passed the House May 11, 1979.

Passed the Senate May 3, 1979.

Approved by the Governor May 24, 1979, with the exception of Sections 1 and 2, which are vetoed.

Filed in Office of Secretary of State May 24, 1979.

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

"I am returning herewith without my approval as to two sections Substitute House Bill No. 1121 entitled:

"AN ACT Relating to insurance."

Sections 1 and 2 of this bill would allow the members of six occupations — attorneys, medical doctors, osteopaths, chiropractors, podiatrists, and dentists — to form mutual corporations under certain circumstances for the purpose of insuring against professional malpractice claims.

Although these sections specify some rather stringent limitations on the formation of such corporations, they do not provide the full protection of the public which the insurance laws are designed to provide. If these professional groups desire to establish such corporations this can be done under existing statutes and be subject to the normal procedures of the insurance commissioner which protect the public welfare.

With the exception of Sections 1 and 2, which I have vetoed, the remainder of Substitute House Bill No. 1121 is approved."

CHAPTER 200

[Second Substitute House Bill No. 1239]

EMERGENCY MEDICAL SERVICE—EXCESS LEVIES—DISTRICT CREATION

AN ACT Relating to local government; adding a new section to chapter 36.32 RCW; and adding a new section to chapter 84.52 RCW.

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

NEW SECTION. Section 1. There is added to chapter 84.52 RCW a new section to read as follows:

(1) As used in this section, "taxing district" means a county, emergency medical service district, city or town, public hospital district, or fire protection district.

(2) A taxing district may impose an additional regular property tax levy in an amount equal to twenty-five cents or less per thousand dollars of the assessed value of property in the taxing district in each year for six consecutive years. This six-year levy must be approved by a majority of at least three-fifths of the electors thereof voting on the proposition, at which election the number of persons voting "yes" on the proposition shall constitute three-fifths of a number equal to forty per centum of the total votes cast in

such taxing district at the last preceding general election when the number of electors voting on the proposition does not exceed forty per centum of the total votes cast in such taxing district in the last preceding general election; or by a majority of at least three-fifths of the electors thereof voting on the proposition to levy when the number of electors voting on the proposition exceeds forty per centum of the total votes cast in such taxing district in the last preceding general election.

(3) Any tax imposed under this section shall be used only for the provision of emergency medical care or emergency medical services, including related personnel costs, training for such personnel, and related equipment, supplies, vehicles and structures needed for the provision of emergency medical care or emergency medical services.

(4) If a county levies a tax under this section, no taxing district within the county may levy a tax under this section. No other taxing district may levy a tax under this section if another taxing district has levied a tax under this section within its boundaries: PROVIDED, That if a taxing district within a county levies this tax, and the voters of the county subsequently approve a levying of this tax, then the tax levy for emergency medical services shall cease being levied in the taxing district originally levying it and shall be replaced with the county-wide levy. Whenever a tax is levied county-wide, the service shall, insofar as is feasible, be provided throughout the county: PROVIDED FURTHER, That no county-wide levy proposal may be placed on the ballot without the approval of the legislative authority of each city exceeding fifty thousand population within the county: PROVIDED FURTHER, That this 1979 amendatory act shall not prohibit any city or town from levying an annual excess levy to fund emergency medical services.

(5) The tax levy authorized in this section is in addition to the tax levy authorized in RCW 84.52.043.

(6) The limitation in RCW 84.55.010 shall not apply to the first levy imposed pursuant to this section following the approval of such levy by the voters pursuant to subsection (2) of this section.

NEW SECTION. Sec. 2. There is added to chapter 36.32 RCW a new section to read as follows:

A county legislative authority may adopt an ordinance creating an emergency medical service district in all or a portion of the unincorporated area of the county. The ordinance may only be adopted after a public hearing has been held on the creation of such a district and the county legislative authority makes a finding that it is in the public interest to create the district. The members of the county legislative authority shall be the governing body of the emergency medical service district.

An emergency medical service district shall be a quasi-municipal corporation and an independent taxing "authority" within the meaning of Article 7, Section 1, Washington State Constitution. Emergency medical

service districts shall also be "taxing authorities" within the meaning of Article 7, Section 2, Washington State Constitution.

An emergency medical service district shall have the authority to provide emergency medical services.

NEW SECTION. Sec. 3. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the House May 14, 1979.

Passed the Senate May 11, 1979.

Approved by the Governor May 24, 1979.

Filed in Office of Secretary of State May 24, 1979.

CHAPTER 201

[Substitute House Bill No. 1258]

JUVENILE TRUANCY

AN ACT Relating to juvenile truancy; amending section 2, chapter 10, Laws of 1972 ex. sess. as amended by section 1, chapter 51, Laws of 1973 and RCW 28A.27.010; amending section 28A.27.070, chapter 223, Laws of 1969 ex. sess. as amended by section 52, chapter 291, Laws of 1977 ex. sess. and RCW 28A.27.070; amending section 28A.27.100, chapter 223, Laws of 1969 ex. sess. and RCW 28A.27.100; amending section 28A.27.110, chapter 223, Laws of 1969 ex. sess. and RCW 28A.27.110; adding new sections to chapter 28A.27 RCW; adding a new section to chapter 13.34 RCW; and prescribing penalties.

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

NEW SECTION. Section 1. There is added to chapter 28A.27 RCW a new section to read as follows:

If a juvenile required to attend school under the laws of the state of Washington fails to attend school without valid justification recurrently or for an extended period of time, the juvenile's school, where appropriate, shall:

(1) Inform the juvenile's custodial parent, parents or guardian by a notice in writing in English and, if different, in the primary language of the custodial parent, parents or guardian and by other means reasonably necessary to achieve notice of the fact that the juvenile has failed to attend school without valid justification recurrently or for an extended period of time;

(2) Schedule a conference or conferences with the custodial parent, parents or guardian and juvenile at a time and place reasonably convenient for all persons included for the purpose of analyzing the causes of the juvenile's absences; and

(3) Take steps to eliminate or reduce the juvenile's absences, including, where appropriate, adjusting the juvenile's school program or school or course assignment or assisting the parent or student to obtain supplementary services that might eliminate or ameliorate the cause or causes for the absence from school.

NEW SECTION. Sec. 2. There is added to chapter 28A.27 RCW a new section to read as follows:

If action taken by a school pursuant to section 1 of this act is not successful in substantially reducing a student's absences from school, the attendance officer of the school district through its attorney may petition the juvenile court to assume jurisdiction under this chapter for the purpose of alleging a violation of RCW 28A.27.010. If the court assumes jurisdiction in such an instance, the provisions of this chapter, except where otherwise stated, shall apply.

NEW SECTION. Sec. 3. There is added to chapter 13.34 RCW a new section to read as follows:

The legislature finds that it is the responsibility of the custodial parent, parents or guardian to ensure that children within the custody of such individuals attend school as provided for by law. To this end, while a parent's failure to cause a juvenile to attend school should not alone provide a basis for a neglect petition against the parent or guardian, when a neglect petition is filed on the basis of other evidence, a parent or guardian's failure to take reasonable steps to ensure that the juvenile attends school may be used as evidence with respect to the question of the appropriate disposition of a neglect petition.

Sec. 4. Section 2, chapter 10, Laws of 1972 ex. sess. as amended by section 1, chapter 51, Laws of 1973 and RCW 28A.27.010 are each amended to read as follows:

All parents, guardians and the persons in this state having custody of any child eight years of age and under fifteen years of age shall cause such child to attend the public school of the district in which the child resides for the full time when such school may be in session or to attend a private school for the same time unless the school district superintendent of the district in which the child resides shall have excused such child from attendance because the child is physically or mentally unable to attend school or unless such child is attending a residential school operated by ~~((the division of institutions of))~~ the department of social and health services.

All parents, guardians and other persons in this state having custody of any child fifteen years of age and under eighteen years of age shall cause such child to attend the public school of the district in which the child resides for the full time when such school may be in session or to attend a private school for the same time excepting when the school district superintendent determines that such child is physically or mentally unable to attend school or has already attained a reasonable proficiency in the branches required by law to be taught in the first nine grades of the public schools of this state, or the child is regularly and lawfully engaged in a useful or remunerative occupation, or the child is attending a residential school operated by ~~((the division of institutions of))~~ the department of social and health

services, or the child has already met graduation requirements in accordance with state board of education rules and regulations, or the child has received a certificate of educational competence under rules and regulations established by the state board of education under RCW 28A.04.135.

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

Sec. 5. Section 28A.27.070, chapter 223, Laws of 1969 ex. sess. as amended by section 52, chapter 291, Laws of 1977 ex. sess. and RCW 28A.27.070 are each amended to read as follows:

Any attendance officer, sheriff, deputy sheriff, marshal, policeman, or any other officer authorized to make arrests, shall take into custody without a warrant a child who is required under the provisions of RCW 28A.27.010 through 28A.27.130 to attend school, such child then being a truant from instruction at the school which he is lawfully required to attend, and shall forthwith deliver a child so detained either (1) to the custody of a person in parental relation to the child or (2) to the school from which the child is then a truant. ~~((A designated school official may inform an habitual truant and such child's parents, and shall inform any student who has been expelled from school in accordance with procedures provided by law and such child's parents, of the nature and location of services provided for in RCW 74.13.020(3) if such services may be appropriate to the needs of the child, and shall offer to assist in establishing contact between such family and such services. An habitual truant for the purposes of this section is one who absents himself with frequency from the school he is required to attend.))~~

Sec. 6. Section 28A.27.100, chapter 223, Laws of 1969 ex. sess. and RCW 28A.27.100 are each amended to read as follows:

Any person violating any of the provisions of either RCW 28A.27.010 or 28A.27.090 shall be fined not more than twenty-five dollars for each day of unexcused absence from school. It shall be a defense for a person charged with violating RCW 28A.27.010 to show that he or she exercised reasonable diligence in attempting to cause a child in his or her custody to attend school or that the juvenile's school did not perform its duties as required in section one of this act. Any fine imposed pursuant to this section may be suspended upon the condition that a person charged with violating RCW 28A.27.010 shall participate with the school and the juvenile in a supervised plan for the juvenile's attendance at school or upon condition that the person attend a conference or conferences scheduled by a school for the purpose of analyzing the causes of a child's absence.

Attendance officers shall make complaint for violation of the provisions of RCW 28A.27.010 through 28A.27.130 by any person eighteen years of

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age or over to a justice of the peace, justice court judge or to a judge of the superior court.

Sec. 7. Section 28A.27.110, chapter 223, Laws of 1969 ex. sess. and RCW 28A.27.110 are each amended to read as follows:

The county prosecuting attorney or the attorney for the school district shall act as attorney for the complainant in all court proceedings relating to the compulsory attendance of children as required by RCW 28A.27.010 through 28A.27.130.

Passed the House May 14, 1979.

Passed the Senate May 4, 1979.

Approved by the Governor May 24, 1979.

Filed in Office of Secretary of State May 24, 1979.

CHAPTER 202

[Engrossed Substitute Senate Bill No. 2095]

SUPERIOR COURT JUDGES

AN ACT Relating to superior court judges; amending section 3, chapter 125, Laws of 1951 as last amended by section 1, chapter 311, Laws of 1977 ex. sess. and RCW 2.08.061; amending section 4, chapter 125, Laws of 1951 as last amended by section 2, chapter 311, Laws of 1977 ex. sess. and RCW 2.08.062; amending section 6, chapter 125, Laws of 1951 as last amended by section 3, chapter 311, Laws of 1977 ex. sess. and RCW 2.08.064; amending section 7, chapter 125, Laws of 1951 as last amended by section 4, chapter 311, Laws of 1977 ex. sess. and RCW 2.08.065; and creating new sections.

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

Section 1. Section 3, chapter 125, Laws of 1951 as last amended by section 1, chapter 311, Laws of 1977 ex. sess. and RCW 2.08.061 are each amended to read as follows:

There shall be in the county of King thirty-four judges of the superior court; in the county of Spokane ((~~nine~~)) ten judges of the superior court; in the county of Pierce ((~~eleven~~)) thirteen judges of the superior court: PROVIDED, That the additional offices herein created for the county of Pierce shall be effective January 1, ((+1978)) 1981.

Sec. 2. Section 4, chapter 125, Laws of 1951 as last amended by section 2, chapter 311, Laws of 1977 ex. sess. and RCW 2.08.062 are each amended to read as follows:

There shall be in the ((~~county~~)) counties of Chelan ((~~one~~)) and Douglas jointly, two judges of the superior court; in the county of Clark ((~~four~~)) five judges of the superior court; in the county of Grays Harbor two judges of the superior court; in the county of Kitsap ((~~four~~)) five judges of the superior court; in the county of Kittitas one judge of the superior court; in the county of Lewis two judges of the superior court: PROVIDED, That the additional office herein created for the county of Kitsap shall be effective January 1, 1981.

Sec. 3. Section 6, chapter 125, Laws of 1951 as last amended by section 3, chapter 311, Laws of 1977 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, four judges of the superior court; in the counties of Clallam and Jefferson jointly, two judges of the superior court; in the county of Snohomish ~~((seven))~~ eight 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))~~ three judges of the superior court; PROVIDED, That the additional office herein created for the county of Cowlitz shall be effective January 1, 1981; in the counties of Klickitat and Skamania jointly, one judge of the superior court.

Sec. 4. Section 7, chapter 125, Laws of 1951 as last amended by section 4, chapter 311, Laws of 1977 ex. sess. and RCW 2.08.065 are each amended to read as follows:

There shall be in the ~~((counties of Douglas and))~~ county of Grant ~~((jointly))~~, two judges of the superior court; in the counties of Ferry and Okanogan jointly, one judge of the superior court; in the counties of Mason and Thurston jointly, ~~((four))~~ five judges of the superior court; in the counties of Pacific and Wahkiakum jointly, one judge of the superior court; in the counties of Pend Oreille and Stevens jointly, one judge of the superior court; and in the counties of San Juan and Island jointly, two judges of the superior court.

NEW SECTION. Sec. 5. The superior court judge serving in position two, as designated by the county auditors of Grant and Douglas counties for the 1976 general election, in the counties of Grant and Douglas prior to the effective date of this 1979 act, shall thereafter serve jointly in the counties of Douglas and Chelan, along with the judge previously serving only in Chelan county. The additional superior court judge position created by this 1979 act shall be for Grant county alone, which shall retain the judge in position one previously serving jointly in the counties of Grant and Douglas.

****NEW SECTION. Sec. 6. (1) The secretary of state and appropriate county election officials shall accept declarations of candidacy for the offices created by sections 1 through 4 of this act during the filing period specified by RCW 29.18.030 prior to the general election to be held on the second Tuesday of November, 1979, except for the offices created for the counties of Kitsap, Cowlitz, and Pierce, which declarations shall be accepted by the appropriate election officers during the same period prior to the general election to be held on the second Tuesday of November, 1980.***

(2) The offices created by sections 1 through 4 of this act shall become effective January 1, 1980, except for the offices created for the counties of Kitsap, Cowlitz, and Pierce which shall become effective January 1, 1981.

Such offices shall be filled by persons elected and qualified at the general election immediately preceding such effective dates.

*Sec. 6 was vetoed, see message at end of chapter.

Passed the Senate May 12, 1979.

Passed the House April 30, 1979.

Approved by the Governor May 24, 1979, with the exception of Section 6, which is vetoed.

Filed in Office of Secretary of State May 24, 1979.

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

"I am returning herewith without my approval as to Section 6, Substitute Senate Bill No. 2095 entitled:

"AN ACT Relating to superior court judges."

Substitute Senate Bill No. 2095 creates a number of additional superior court judgeships throughout the state. Section 6 of the bill was added as a House amendment to the original Senate bill and provides an elective procedure for the selection of judges in several of the newly created positions. I cannot support the provision of Section 6 for several reasons but principally for the reason that such procedure destroys the Governor's historic constitutional and statutory right to appoint judges to the newly created positions. Those appointed must then stand for election as provided by the election laws.

The provisions of Article 4, Section 5 of the constitution provide the framework within which newly created judgeships must be filled. The applicable provision provides:

If a vacancy occurs in the office of judge of the superior court, the governor shall appoint a person to hold the office until the election and qualification of a judge to fill the vacancy, which election shall be at the next succeeding general election...

This constitutional principle was tested just two years ago in the supreme court case of *Fain v. Chapman*, 89 Wn.2d 48 and I recommend that decision to the readers of this message.

RCW 2.08.069 Judges—Filling vacancies resulting from creation of additional judgeships. Unless otherwise provided, upon the taking effect of any act providing for additional judges of the superior court and thereby creating a vacancy, the governor shall appoint a person to hold the office until the election and qualification of a judge to fill the vacancy, which election shall be at the next succeeding general election, and the judge so elected shall hold office for the remainder of the unexpired term.

As far as I am able to determine, the elective procedure as set forth in Substitute Senate Bill No. 2095 on newly created judgeships is the first departure from the long-established constitutional and statutory right of the executive to fill those judgeships by appointment. If the Legislature is truly serious about relieving all Governors of this long-established right, then I suggest a change in the constitution would be required.

For these reasons, I have determined to veto Section 6 of Substitute Senate Bill No. 2095."

CHAPTER 203

[Engrossed Substitute Senate Bill No. 2388]

FOOD FISH AND SHELLFISH—PRIVILEGE FEES

AN ACT Relating to revenue; and amending section 75.32.030, chapter 12, Laws of 1955 as last amended by section 20, chapter 327, Laws of 1977 ex. sess. and RCW 75.32.030.

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

Section 1. Section 75.32.030, chapter 12, Laws of 1955 as last amended by section 20, chapter 327, Laws of 1977 ex. sess. and RCW 75.32.030 are each amended to read as follows:

Canners, curers, freezers, wholesale dealers and retail dealers of food fish and shellfish, other than oysters, and manufacturers of food fish and shellfish byproducts, other than oyster byproducts, but not including any person with respect to the growing, processing or dealing in any manner with food fish which are raised from eggs or fry, and are under the physical control of the grower at all times until being sold or harvested, (1) shall pay a privilege fee equal to five percent of the primary market value on all fresh or frozen chinook, coho, and chum salmon, or parts thereof, which they receive, handle, deal in, or deal with as original receiver in the state; (2) shall pay a privilege fee equal to three percent of the primary market value on all fresh or frozen pink and sockeye salmon, or parts thereof, which they receive, handle, deal in, or deal with as original receiver in the state; and (3) shall pay a privilege fee equal to two percent of the primary market value on all other fresh or frozen food fish and shellfish, or parts thereof, except oysters, which they receive, handle, deal in or deal with, as original receiver in the state: PROVIDED, That any person or sales agency selling fresh or frozen food fish or shellfish, or parts thereof, to purchasers of food fish or shellfish residing outside the state of Washington which had been previously landed in the state, shall be responsible for and shall pay the privilege fees herein provided.

Passed the Senate May 11, 1979.

Passed the House May 4, 1979.

Approved by the Governor May 24, 1979.

Filed in Office of Secretary of State May 24, 1979.

CHAPTER 204

[Engrossed Senate Bill No. 2176]

STATE DEBTS—LIMITATION

AN ACT Relating to a limitation on state debts; and amending section 6, chapter 184, Laws of 1971 ex. sess. and RCW 39.42.060.

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

Section 1. Section 6, chapter 184, Laws of 1971 ex. sess. and RCW 39.42.060 are each amended to read as follows:

No bonds, notes, or other evidences of indebtedness for borrowed money shall be issued by the state which will cause the aggregate debt contracted by the state to exceed ((the limitation contained)) that amount for which

payments of principal and interest in any fiscal year would require the state to expend more than seven percent of the arithmetic mean of its general state revenue, as defined in section 1 of Article VIII of the Washington state Constitution ((as hereafter amended by vote of the people pursuant to HJR 52, 1971 regular session)) for the three immediately preceding fiscal years as certified by the treasurer in accordance with RCW 39.42.070. It shall be the duty of the state finance committee to compute annually the amount required to pay principal of and interest on outstanding debt. In making such computation, the state finance committee shall include all borrowed money represented by bonds, notes, or other evidences of indebtedness which are secured by the full faith and credit of the state or are required to be paid, directly or indirectly, from general state revenues and which are incurred by the state, any department, authority, public corporation or quasi public corporation of the state, any state university or college, or any other public agency created by the state but not by counties, cities, towns, school districts, or other municipal corporations, and shall include debt incurred pursuant to section 3 of Article VIII of the Washington state Constitution, but shall not include obligations for the payment of current expenses of state government, ((nor shall it include debt hereafter incurred pursuant to section 3 of Article VIII of the Washington state Constitution as hereafter amended by vote of the people pursuant to HJR 52, 1971 regular session;)) nor shall it include indebtedness incurred pursuant to RCW 39.42.080 or principal of and interest on bond anticipation notes(, principal of bond anticipation notes or obligations issued to fund or refund the indebtedness of the Washington state building authority)) or any indebtedness which has been refunded. To the extent necessary because of the constitutional or statutory debt limitation, priorities with respect to the issuance or guaranteeing of bonds, notes, or other evidences of indebtedness by the state shall be determined by the state finance committee.

Passed the Senate March 21, 1979.

Passed the House May 14, 1979.

Approved by the Governor May 25, 1979.

Filed in Office of Secretary of State May 25, 1979.

CHAPTER 205

[Engrossed Senate Bill No. 2378]

STATE RETIREMENT BENEFITS—COURT ORDERED PAYMENTS— DECREES OF DISSOLUTION, SEPARATION

AN ACT Relating to payment of retirement benefits pursuant to court order; amending section 18, chapter 267, Laws of 1971 ex. sess. and RCW 2.10.180; amending section 1, chapter 33, Laws of 1965 and RCW 41.20.180; amending section 24, chapter 261, Laws of 1945 as amended by section 6, chapter 159, Laws of 1957 and RCW 41.24.240; amending section 23, chapter 209, Laws of 1969 ex. sess. as last amended by section 12, chapter 257, Laws of 1971 ex. sess. and RCW 41.26.180; amending section 59, chapter 80, Laws of 1947 as last amended by section 1, chapter 63, Laws of 1971 and RCW 41.32.590;

amending section 39, chapter 274, Laws of 1947 as last amended by section 4, chapter 195, Laws of 1974 ex. sess. and RCW 41.40.380; amending section 24, chapter 71, Laws of 1947 and RCW 41.44.240; amending section 43.43.310, chapter 8, Laws of 1965 as amended by section 1, chapter 256, Laws of 1977 ex. sess. and RCW 43.43.310; adding a new section to chapter 41.04 RCW; adding a new section to chapter 41.28 RCW; and declaring an emergency.

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

Section 1. Section 18, chapter 267, Laws of 1971 ex. sess. and RCW 2.10.180 are each amended to read as follows:

The right of a person to a retirement allowance, disability allowance, or death benefit, the retirement, disability or death allowance itself, any optional benefit, any other right accrued or accruing to any person under the provisions of this chapter, and the moneys in the fund created under this chapter, are hereby exempt from any state, county, municipal, or other local tax and shall not be subject to execution, garnishment, or any other process of law whatsoever: PROVIDED, That benefits under this chapter shall be payable to a spouse or ex-spouse to the extent expressly provided for in any court decree of dissolution or legal separation or in any court order or court-approved property settlement agreement incident to any court decree of dissolution or legal separation.

Sec. 2. Section 1, chapter 33, Laws of 1965 and RCW 41.20.180 are each amended to read as follows:

The right of a person to a pension, an annuity, or retirement allowance, or disability allowance, or death benefits, or any optional benefit, or any other right accrued or accruing to any person under the provisions of this chapter, and any fund created hereby, and all moneys and investments and income thereof, are 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 benefits under this chapter shall be payable to a spouse or ex-spouse to the extent expressly provided for in any court decree of dissolution or legal separation or in any court order or court-approved property settlement agreement incident to any court decree of dissolution or legal separation.

Sec. 3. Section 24, chapter 261, Laws of 1945 as amended by section 6, chapter 159, Laws of 1957 and RCW 41.24.240 are each amended to read as follows:

The right of any person to any future payment under the provisions of this chapter shall not be transferable or assignable at law or in equity, and none of the moneys paid or payable or the rights existing under this chapter, shall be subject to execution, levy, attachment, garnishment, or other legal process, or to the operation of any bankruptcy or insolvency law: PROVIDED, That benefits under this chapter shall be payable to a spouse or ex-spouse to the extent expressly provided for in any court decree of dissolution

or legal separation or in any court order or court-approved property settlement agreement incident to any court decree of dissolution or legal separation.

Nothing in this chapter shall be construed to deprive any fireman, eligible to receive a pension hereunder, from receiving a pension under any other act to which he may become eligible by reason of services other than or in addition to his services as a fireman under this chapter.

Sec. 4. Section 23, chapter 209, Laws of 1969 ex. sess. as last amended by section 12, chapter 257, Laws of 1971 ex. sess. and RCW 41.26.180 are each amended to read as follows:

(1) Subject to subsections (2) and (3) of this section, the right of a person to a retirement allowance, disability allowance, or death benefit, to the return of accumulated contributions, the retirement, disability or death allowance itself, any optional benefit, any other right accrued or accruing to any person under the provisions of this chapter, and the moneys in the fund created under this chapter, are hereby exempt from any state, county, municipal, or other local tax and shall not be subject to execution, garnishment, attachment, the operation of bankruptcy or insolvency laws, or any other process of law whatsoever, and shall be unassignable(~~(-PROVIDED; That))~~.

(2) On the written request of any person eligible to receive benefits under this section, the ((board)) department of retirement systems may deduct from such payments the premiums for life, health, or other insurance. The request on behalf of any child or children shall be made by the legal guardian of such child or children. The ((board)) department of retirement systems may provide for such persons one or more plans of group insurance, through contracts with regularly constituted insurance carriers or health care service contractors.

(3) Benefits under this chapter shall be payable to a spouse or ex-spouse to the extent expressly provided for in any court decree of dissolution or legal separation or in any court order or court-approved property settlement agreement incident to any court decree of dissolution or legal separation.

Sec. 5. Section 59, chapter 80, Laws of 1947 as last amended by section 1, chapter 63, Laws of 1971 and RCW 41.32.590 are each amended to read as follows:

(1) Subject to subsections (2) and (3) of this section, the right of a person to a pension, an annuity, a retirement allowance, or disability allowance, to the return of contributions, any optional benefit or death benefit, any other right accrued or accruing to any person under the provisions of this chapter and the moneys in the various funds created by this chapter shall be unassignable, and are hereby exempt from any state, county, municipal or other local tax, and shall not be subject to execution, garnishment, attachment, the operation of bankruptcy or insolvency laws, or other process of law whatsoever(~~(-PROVIDED; That))~~.

(2) This section shall not be deemed to prohibit a beneficiary of a retirement allowance who is eligible under RCW 41.05.080 from authorizing deductions therefrom for payment of premiums due on any group life or disability insurance policy or plan issued for the benefit of a group comprised of public employees of the state of Washington or its political subdivisions in accordance with rules and regulations that may be promulgated by the ((retirement board)) department of retirement systems.

(3) Benefits under this chapter shall be payable to a spouse or ex-spouse to the extent expressly provided for in any court decree of dissolution or legal separation or in any court order or court-approved property settlement agreement incident to any court decree of dissolution or legal separation.

Sec. 6. Section 39, chapter 274, Laws of 1947 as last amended by section 4, chapter 195, Laws of 1974 ex. sess. and RCW 41.40.380 are each amended to read as follows:

(1) Subject to subsections (2) and (3) of this section, 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~~)).

(2) 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~~)) department of retirement systems, and 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.

(3) Benefits under this chapter shall be payable to a spouse or ex-spouse to the extent expressly provided for in any court decree of dissolution or legal separation or in any court order or court-approved property settlement agreement incident to any court decree of dissolution or legal separation.

Sec. 7. Section 24, chapter 71, Laws of 1947 and RCW 41.44.240 are each amended to read as follows:

The right of a person to a pension, annuity or a retirement allowance, to the return of contribution, the pension, annuity or retirement allowance itself, any optional benefit, any other right accrued or accruing to any person under the provisions of this chapter, and the moneys in the fund created under this chapter shall not be subject to execution, garnishment, or any other process whatsoever: PROVIDED, That benefits under this chapter shall be payable to a spouse or ex-spouse to the extent expressly provided for in any court decree of dissolution or legal separation or in any court order or court-approved property settlement agreement incident to any court decree of dissolution or legal separation.

Sec. 8. Section 43.43.310, chapter 8, Laws of 1965 as amended by section 1, chapter 256, Laws of 1977 ex. sess. and RCW 43.43.310 are each amended to read as follows:

(1) The right of any person to a retirement allowance or optional retirement allowance under the provisions hereof and all moneys and investments and income thereof are exempt from any state, county, municipal, or other local tax and shall not be subject to execution, garnishment, attachment, the operation of bankruptcy or the insolvency laws, or other processes of law whatsoever and shall be unassignable except as herein specifically provided(~~(-PROVIDED, That)~~).

(2) Benefits under this chapter shall be payable to a spouse or ex-spouse to the extent expressly provided for in any court decree of dissolution or legal separation or in any court order or court-approved property settlement agreement incident to any court decree of dissolution or legal separation.

(3) Subsection (1) of 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 insurance policy or plan issued for the benefit of a group comprised of members of the Washington state patrol or other public employees of the state of Washington.

(4) Deductions made in the past from retirement benefits are hereby expressly recognized, ratified and affirmed. Future deductions may only be made in accordance with this section.

NEW SECTION. Sec. 9. There is added to chapter 41.28 RCW a new section to read as follows:

Benefits under this chapter shall be payable to a spouse or ex-spouse to the extent expressly provided for in any court decree of dissolution or legal separation or in any court order or court-approved property settlement agreement incident to any court decree of dissolution or legal separation.

NEW SECTION. Sec. 10. There is added to chapter 41.04 RCW a new section to read as follows:

Whenever the department of retirement systems makes payments to a spouse or ex-spouse to the extent expressly provided for in any court decree of dissolution or legal separation or in any court order or court-approved

property settlement agreement incident to any court decree of dissolution or legal separation, it shall be a sufficient answer to any claim of a beneficiary against the department for the department to show that the payments were made pursuant to a court decree.

NEW SECTION. Sec. 11. All payments made to a nonmember spouse or ex-spouse pursuant to the provisions of this amendatory act shall cease upon the death of such a nonmember spouse or ex-spouse. Upon such a death, the department is hereby authorized and directed to pay to the member his or her full monthly entitlement of benefits.

NEW SECTION. Sec. 12. The provisions of this 1979 amendatory act shall apply only to court decrees of dissolution or legal separation and court-approved property settlement agreements entered after the effective date of this act and only to those persons who have actually retired.

NEW SECTION. Sec. 13. 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, 1979.

Passed the House May 16, 1979.

Approved by the Governor May 25, 1979.

Filed in Office of Secretary of State May 25, 1979.

CHAPTER 206

[Second Substitute Senate Bill No. 2944]

VOCATIONAL-TECHNICAL INSTITUTES—STAFF SALARY INCREASES— APPROPRIATION SOURCES

AN ACT Relating to appropriations; amending section 166, chapter 339, Laws of 1977 ex. sess. (uncodified); amending section 97, chapter 339, Laws of 1977 ex. sess. (uncodified); and declaring an emergency.

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

Section 1. Section 166, chapter 339, Laws of 1977 ex. sess. (uncodified) is amended to read as follows:

Any programs which are supported in whole or in part by federal funds shall not receive any additional state funds for the programs in the event that federal funds are reduced or eliminated for the program: PROVIDED, That the federal funding included as part of sections 37(2) and 52(10) of this 1977 act shall be used to the extent of actual receipt, and the balance of the general fund appropriation shall be provided from state sources.

Sec. 2. Section 97, chapter 339, Laws of 1977 ex. sess. (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—
BASIC EDUCATION ALLOCATION FOR FISCAL YEAR 1979**

General Fund Appropriation	\$	770,674,000
Total Appropriation	\$	770,674,000

The appropriation contained in this section shall be subject to the following conditions and limitations:

(1) The allocation of moneys for a basic education allocation per annual average full time equivalent student for the 1978-79 school year in each school district shall be determined by the superintendent of public instruction as follows: PROVIDED, That such basic education allocation so determined shall be converted and distributed on an annual average full time equivalent student basis:

(a) Respecting certificated employees: A numerical allocation of one certificated staff unit shall be established for each average annual twenty-three and one-half full time equivalent kindergarten, elementary, and secondary students;

(b) Respecting certificated employees: A numerical allocation of one certificated staff unit shall be established for each average annual nineteen and six-tenths full time equivalent students enrolled in a vocational education program approved by the superintendent of public instruction;

(c) Respecting certificated employees: Numerical allocations of certificated staff units shall be established for districts enrolling not more than one hundred average annual full time equivalent students and for small school plants within any school district, which such districts or small plants have been judged to be remote and necessary by the state board of education as follows:

(i) For grades K-6, for enrollments of not more than sixty annual average full time equivalent students, two and one-half certificated staff units;

(ii) For grades K-6, for enrollments above sixty annual average full time equivalent students, additional certificated staff units based upon a ratio of one certificated staff unit per twenty-three and one-half annual average full time equivalent students;

(iii) For grades 7 and 8, for enrollments of not more than twenty annual average full time equivalent students, eighty-five hundredths certificated staff unit;

(iv) For grades 7 and 8, for enrollments above twenty annual average full time equivalent students, additional certificated staff units based upon a ratio of one certificated staff unit per twenty-three and one-half annual average full time equivalent students.

(d) Respecting certificated employees: Numerical allocations of certificated staff units shall be established for districts operating high schools with enrollments of not more than three hundred average annual full time equivalent students as follows:

(i) Eight and one-tenth certificated staff units for the first sixty annual average full time equivalent students;

(ii) Additional certificated staff units based upon a ratio of eighty-five hundredths certificated staff unit per forty-three and one-half average annual full time equivalent students.

(e) Compensation including benefits shall be calculated as herein provided for certificated staff units generated in subsections (a) through (d) above as follows:

(i) For the purposes of this subsection each district's 1977-78 average compensation levels including benefits shall mean such district's 1976-77 average compensation including benefits increased pursuant to section 96(1) of this act. "Maximum control levels" shall mean the "maximum control levels" established in section 96(1) of the act increased by four percent:

(ii) Compensation including benefits for those school districts whose 1977-78 average certificated compensation level including benefits is above the 1977-78 state average compensation level including benefits will be calculated on the basis of the 1977-78 district average compensation level including benefits increased by six percent: PROVIDED, That no district shall receive in excess of the "maximum control level".

(iii) Compensation including benefits for those school districts whose 1977-78 average certificated compensation level including benefits is below the 1977-78 state average compensation level including benefits will be calculated by utilizing the 1977-78 district average compensation level including benefits increased by nine percent up to an amount not to exceed a six percent for any school district above the state average: PROVIDED, That for such districts the superintendent of public instruction shall utilize, pursuant to the provisions of section 4, chapter ... (SHB 1086), Laws of 1977 1st ex. sess., the actual 1977-78 compensation level including benefits for the purpose of calculating the entitlement for compensation including benefits increases as provided for in this subsection.

(f) The total basic education allocation for certificated employees shall be established for each district by using the salary determinations established in subsection (e) above multiplied by the numerical allocations determined in subsections (a), (b), (c), and (d) above.

(g) Respecting classified employees: A numerical allocation of one classified staff unit for each three certificated staff units as computed for the purposes of subsections (a), (c) and (d) above for each school district shall be established. Compensation including benefits shall be calculated as herein provided for classified staff units generated in this subsection as follows:

(i) For the purposes of this subsection each district's 1977-78 average compensation levels including benefits shall mean such district's 1976-77 average compensation including benefits increased pursuant to section 96(1) of this act. "Maximum control levels" shall mean the "maximum control levels" established in section 96(1) of this act increased by four percent:

(ii) Compensation including benefits for those school districts whose 1977-78 average classified compensation level including benefits is above

the 1977-78 state average compensation level including benefits will be calculated on the basis of the 1977-78 district average compensation level including benefits increased by six percent: PROVIDED, That no district shall receive in excess of the "maximum control level".

(iii) Compensation including benefits for those school districts whose 1977-78 average classified compensation level including benefits is below the 1977-78 state average compensation level including benefits will be calculated by utilizing the 1977-78 district average compensation level including benefits increased by nine percent up to an amount not to exceed a six percent for any school district above the state average: PROVIDED, That for such districts the superintendent of public instruction shall utilize, pursuant to the provisions of section 4, chapter ... (SHB 1086), Laws of 1977 1st ex. sess., the actual 1977-78 compensation level including benefits for the purpose of calculating the entitlement for compensation including benefits increases as provided for in this subsection.

(h) The total basic education allocation for classified employees shall be established for each district by using the salary determination referred to in subsection (g) above multiplied by the numerical allocation established in subsection (g) above. In addition, each school district shall receive as part of the basic education allocation, for classified employee benefits, an amount 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.

(i) Respecting nonemployee related costs: The allocation of additional moneys for nonemployee related costs for 1978-79 school year shall utilize the number of certificated staff units as computed for the purposes of subsections (a), (c), and (d) above, multiplied by \$3,650 for each such certificated staff unit.

(2) Not more than \$6,601,000 of the appropriation contained in this section shall be expended for districts which experience an enrollment decline in the 1978-79 school year from the 1977-78 base enrollment level, the Superintendent of Public Instruction shall distribute funds based on certificated staff units in the 1978-79 school year to such districts on the basis of the 1978-79 enrollment plus one-half the amount of the enrollment decline from the 1977-78 level. The superintendent of public instruction in ascertaining the full time equivalent enrollment under this section for any school district declining in enrollment at a rate of at least four percent, or 300 full time equivalent students, whichever is less, from the immediately preceding year, shall increase the enrollment as otherwise herein computed by fifty percent of the full time equivalent pupil enrollment loss from the previous year.

(3) Of the appropriation contained in this section the superintendent is hereby authorized to distribute up to \$11,096,000 for salary increases for

certificated and classified staff in the state funded categorical programs including Educational Service Districts as of September 1, 1978. The superintendent shall determine the salary increase pursuant to the conditions in subsections (e) and (g) above.

(4) Salary increases for classified and certificated staff supported by federal programs or traffic safety education funds shall be subject to the conditions of subsections (e) and (g) and paid from the respective revenue source.

(5) To implement the provisions of chapter ... (SHB 480), Laws of 1977 1st ex. sess., \$600,000 shall be made available from this appropriation with any additional funds that should be required to implement the provision of chapter ... (SHB 480), Laws of 1977 1st ex. sess., coming from local or federal funds.

(6) The superintendent shall insure that in implementing the provisions of this section no school district shall receive fewer state dollars per annual average full time equivalent student that it received under the provisions of section 96 of this act.

(7) During the 1978-79 school year the superintendent of public instruction shall distribute not more than \$7,773,000 of the funds appropriated by this section, outside of the basic education allocation to school districts, of which \$530,000 shall be for the following purposes: To pay fire protection districts at a rate of \$1.00 per year for each student attending a school located in an unincorporated area within a fire protection district as mandated by the provisions of RCW 52.36.020 by the expenditure of not more than \$280,000; To pay for school district emergencies by the expenditure of not more than \$250,000.

(8) The allocation of moneys by the superintendent of public instruction for salary increases for certificated and classified staff in state-funded vocational-technical institutes may be borne from other existing appropriation sources, including the \$770,674,000 general fund appropriation for distribution to school districts, as provided in subsection (3) of this section.

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

Passed the Senate April 25, 1979.

Passed the House May 17, 1979.

Approved by the Governor May 25, 1979.

Filed in Office of Secretary of State May 25, 1979.

CHAPTER 207

[Substitute Senate Bill No. 2952]

PILOTS—LICENSURE

[1797]

AN ACT Relating to pilotage; amending section 1, chapter 18, Laws of 1935 as last amended by section 2, chapter 337, Laws of 1977 ex. sess. and RCW 88.16.010; amending section 3, chapter 18, Laws of 1935 as last amended by section 5, chapter 337, Laws of 1977 ex. sess. and RCW 88.16.050; amending section 8, chapter 18, Laws of 1935 as last amended by section 7, chapter 337, Laws of 1977 ex. sess. and RCW 88.16.090; and adding a new section to chapter 88.16 RCW.

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

Section 1. Section 1, chapter 18, Laws of 1935 as last amended by section 2, chapter 337, Laws of 1977 ex. sess. and RCW 88.16.010 are each amended to read as follows:

(1) The board of pilotage commissioners of the state of Washington is hereby created and shall consist of the secretary of the department of transportation of the state of Washington, or the secretary's designee who shall be an employee of the department of transportation, who shall be chairperson, and six members appointed by the governor and confirmed by the senate. Each of said appointed commissioners shall be appointed for a term of four years from the date of said member's commission. No person shall be eligible for appointment to said board unless that person is at the time of appointment eighteen years of age or over and a citizen of the United States and of the state of Washington. Two of said appointed commissioners shall be pilots licensed under this chapter and actively engaged in piloting upon the waters covered by this chapter for at least three years immediately preceding the time of appointment. Two of said appointed commissioners shall be actively engaged in the ownership, operation, or management of deep sea cargo and/or passenger carrying vessels for at least three years immediately preceding the time of appointment. One of said shipping commissioners shall be a representative of American and one of foreign shipping. The remaining commissioners shall be persons interested in and concerned with pilotage, maritime safety, and marine affairs, with broad experience related to the maritime industry exclusive of experience as either a state licensed pilot or as a shipping representative.

(2) Pilotage commissioners holding commissions on September 21, 1977, shall continue to hold their office subject to reappointment by the governor and confirmation by the senate. The appointed commissioners shall continue to hold office for the period for which they are appointed and until their successors are appointed and qualified, except that the governor when first appointing commissioners after September 21, 1977, shall appoint the pilot representatives to terms of two and three years respectively, the shipping representatives to terms of two and three years respectively, and the remaining commissioners to terms of three and four years respectively. Any vacancy in an appointed position on the board shall be filled by the governor for ~~((a term of four years))~~ the remainder of the unfilled term, subject to confirmation by the senate.

(3) ~~((Five))~~ Four members of the board shall constitute a quorum. At least one pilot, one shipping representative, and one public member must be

present at every meeting. All commissioners and the chairperson shall have a vote.

Sec. 2. Section 3, chapter 18, Laws of 1935 as last amended by section 5, chapter 337, Laws of 1977 ex. sess. and RCW 88.16.050 are each amended to read as follows:

This chapter shall apply to the pilotage districts of this state as ~~((hereinafter))~~ defined~~((:))~~ in this section.

(1) "Puget Sound pilotage district", whenever used in this chapter, shall be construed to mean and include all the waters of the state of Washington inside the international boundary line between the state of Washington, the United States and the province of British Columbia, Canada and east of one hundred twenty-three degrees twenty-four minutes west longitude.

(2) "Grays Harbor ~~((and Willapa Bay))~~ pilotage district" shall include all inland waters, channels, waterways, and navigable tributaries within ~~((each area))~~ Grays Harbor. The boundary line between ~~((inland waters))~~ Grays Harbor and the high seas shall be ~~((designated as the outermost sea buoy as established and placed for))~~ a line drawn from Grays Harbor ~~((and Willapa Bay))~~ bar range rear light to Grays Harbor entrance lighted whistle buoy two; then to Grays Harbor light.

Sec. 3. Section 8, chapter 18, Laws of 1935 as last amended by section 7, chapter 337, Laws of 1977 ex. sess. and RCW 88.16.090 are each amended to read as follows:

(1) No person shall pilot any vessel subject to the provisions of this chapter on waters covered by this chapter unless such a person be appointed and licensed to pilot such vessels on said waters under and pursuant to the provisions of this chapter.

(2) No person shall be eligible to be appointed a pilot unless such a person is a citizen of the United States, over the age of twenty-five years and a resident of the state of Washington at the time of appointment, nor unless the pilot applicant holds a United States government masters license and a first class United States endorsement without restrictions on that license to pilot in whichever pilotage districts for which the pilot applicant desires to be licensed.

(3) Pilots shall be licensed hereunder for a term of five years from and after the date of the issuance of their respective state licenses. Such licenses shall thereafter be renewed as of course, unless the board shall withhold same for good cause. Each pilot shall pay to the state treasurer an annual license fee ~~((of two hundred fifty dollars))~~ established by the board of pilotage commissioners pursuant to chapter 34.04 RCW, but not to exceed one thousand dollars, to be placed in the state treasury to the credit of the pilotage account. The board may assess partially active or inactive pilots a reduced fee.

(4) Pilot applicants shall be required to pass a written and oral examination administered and graded by the board which shall test such applicants on this chapter, the rules of the board, local harbor ordinances, and such other matters as may be required to compliment the United States examinations and qualifications.

(5) On and after September 21, 1977, the board shall have developed five examinations and grading sheets for the Puget Sound pilotage district, and two for each other pilotage district, for the testing and grading of pilot applicants. The ~~((five))~~ examinations shall be administered to pilot applicants on a random basis and shall be updated as required to reflect changes in law, rules, policies, or procedures. The board may appoint a special independent examination committee or may contract with a firm knowledgeable and experienced in the development of professional tests for development of said examinations. Active licensed state pilots may be consulted for the general development of examinations but shall have no knowledge of the specific questions. The pilot members of the board may participate in the grading of examinations. If the board does appoint a special examination development committee it is authorized to pay the members of said committee the same ~~((per diem costs))~~ compensation and travel expenses as received by members of the board. When grading examinations the board shall carefully follow the grading sheet prepared for that examination. The board shall develop a "sample examination" which would tend to indicate to an applicant the general types of questions on pilot examinations, but such sample questions shall not appear on any actual examinations. Any person who wilfully gives advance knowledge of information contained on a pilot examination shall be guilty of a gross misdemeanor.

(6) All pilots and applicants shall be subject to an annual physical examination by a physician chosen by the board. The physician shall examine the applicant's heart, blood pressure, circulatory system, lungs and respiratory system, eyesight, hearing, and such other items as may be prescribed by the board. After consultation with a physician and the United States coast guard, the board shall establish minimum health standards to ensure that pilots licensed by the state are able to perform their duties.

(7) The board shall prescribe, pursuant to chapter 34.04 RCW, a number of familiarization trips, between a minimum number of twenty-five and a maximum of one hundred, which pilot applicants must make in the pilotage district for which they desire to be licensed. Familiarization trips any particular applicant must make are to be based upon the applicant's vessel handling experience.

NEW SECTION. Sec. 4. There is added to chapter 88.16 RCW a new section to read as follows:

The license of all pilots shall be terminated upon the pilot reaching the age of seventy: **PROVIDED**, That all pilots licensed as of the effective date

of this 1979 amendatory act may continue piloting and hold licenses until May 1, 1982.

Passed the Senate April 27, 1979.

Passed the House May 14, 1979.

Approved by the Governor May 25, 1979.

Filed in Office of Secretary of State May 25, 1979.

CHAPTER 208

[Substitute Senate Bill No. 2967]

STATE TRUST LANDS—FOREST FIRE PROTECTION—GENERAL FUND FUNDING

AN ACT Relating to the operating budget; creating a new section; and declaring an emergency.

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

NEW SECTION. Section 1. For the 1977–1979 biennium, forest fire protection on trust lands was fully funded from the forest development account and the resource management cost account. The purpose of this section is to fund forest fire protection on such trust lands from the general fund.

\$435,000 is hereby transferred from the general fund to the forest development account, and \$1,353,000 is hereby transferred from the general fund to the resource management cost account.

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

Passed the Senate April 25, 1979.

Passed the House May 17, 1979.

Approved by the Governor May 25, 1979.

Filed in Office of Secretary of State May 25, 1979.

CHAPTER 209

[Substitute Senate Bill No. 2181]

INHERITANCE TAXES

AN ACT Relating to inheritance; amending section 2, chapter 292, Laws of 1961 and RCW 83.04.010; amending section 3, chapter 292, Laws of 1961 and RCW 83.04.013; amending section 1, chapter 73, Laws of 1972 ex. sess. and RCW 83.24.035; amending section 83.04.030, chapter 15, Laws of 1961 as amended by section 9, chapter 292, Laws of 1961 and RCW 83.04.030; amending section 83.04.080, chapter 15, Laws of 1961 and RCW 83.04.080; amending section 83.05.020, chapter 15, Laws of 1961 and RCW 83.05.020; amending section 83.08.050, chapter 15, Laws of 1961 and RCW 83.08.050; amending section 83.16.020, chapter 15, Laws of 1961 as amended by section 108, chapter 278, Laws of 1975 1st ex. sess. and RCW 83.16.020; amending section 83.16.080, chapter 15,

Laws of 1961 as last amended by section 14, chapter 107, Laws of 1979 and RCW 83.16.080; amending section 11.08.210, chapter 145, Laws of 1965 as amended by section 5, chapter 278, Laws of 1975 1st ex. sess. and RCW 11.08.210; amending section 83.05.050, chapter 15, Laws of 1961 as amended by section 101, chapter 278, Laws of 1975 1st ex. sess. and RCW 83.05.050; amending section 83.44.080, chapter 15, Laws of 1961 as amended by section 1, chapter 73, Laws of 1969 and RCW 83.44.080; amending section 83.44.010, chapter 15, Laws of 1961 as last amended by section 1, chapter 132, Laws of 1971 ex. sess. and RCW 83.44.010; amending section 83.16.010, chapter 15, Laws of 1961 and RCW 83.16.010; amending section 83.40.040, chapter 15, Laws of 1961 as amended by section 12, chapter 28, Laws of 1963 ex. sess. and RCW 83.40.040; amending section 83.20.010, chapter 15, Laws of 1961 and RCW 83.20.010; amending section 19, chapter 292, Laws of 1961 and RCW 83.40.010; amending section 2, chapter 148, Laws of 1973 and RCW 11.86.010; amending section 3, chapter 148, Laws of 1973 and RCW 11.86.020; amending section 4, chapter 148, Laws of 1973 and RCW 11.86.030; amending section 5, chapter 148, Laws of 1973 and RCW 11.86.040; amending section 6, chapter 148, Laws of 1973 and RCW 11.86.050; amending section 7, chapter 148, Laws of 1973 and RCW 11.86.060; amending section 8, chapter 148, Laws of 1973 and RCW 11.86.070; amending section 48, chapter 26, Laws of 1967 ex. sess. as amended by section 3, chapter 158, Laws of 1975 1st ex. sess. and RCW 82.03.190; adding a new section to chapter 11.08 RCW; adding a new section to chapter 11.86 RCW; adding new sections to chapter 83.04 RCW; adding new sections to chapter 83.16 RCW; adding new sections to chapter 83.08 RCW; adding a new section to chapter 83.20 RCW; adding a new section to chapter 83.24 RCW; adding a new section to chapter 83.44 RCW; creating new sections; repealing section 83.04.050, chapter 15, Laws of 1961 and RCW 83.04.050; repealing section 83.08.020, chapter 15, Laws of 1961 and RCW 83.08.020; repealing section 83.08.030, chapter 15, Laws of 1961 and RCW 83.08.030; repealing section 83.08.040, chapter 15, Laws of 1961 and RCW 83.08.040; repealing section 1, chapter 11, Laws of 1963 ex. sess. and RCW 83.20.020; repealing section 1, chapter 8, Laws of 1965 ex. sess., section 6, chapter 149, Laws of 1973 1st ex. sess., section 1, chapter 221, Laws of 1973 1st ex. sess. and RCW 83.20.030; repealing section 2, chapter 221, Laws of 1973 1st ex. sess. and RCW 83.20.040; repealing section 83.44.020, chapter 15, Laws of 1961 and RCW 83.44.020; and declaring an emergency.

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

Section 1. Section 2, chapter 292, Laws of 1961 and RCW 83.04.010 are each amended to read as follows:

All property within the jurisdiction of this state, and any interest therein, whether belonging to ~~((the inhabitants of))~~ a person domiciled in this state or not, and whether tangible or intangible, which shall pass

(1) by will or by the statutes of inheritance of this or any other state or

(2) by deed, grant, sale, contract or gift made in contemplation of the death of the grantor, or donor, or

(3) by deed, grant or sale, contract or gift made or intended to take effect in possession or in enjoyment after death of the grantor, or donor, to any person in trust or otherwise, or

(4) by a transfer in trust or otherwise, under which the grantor or donor has retained for his life or for any period not ascertainable without reference to his death, or for any period which does not in fact end before his death, the possession or enjoyment of any part of the property, or the right to all or any part of the income from the property, or the right, either alone or in conjunction with any person, to designate the persons who shall possess or enjoy the property or the income therefrom shall, for the use of the state, be subject to a tax as provided for in chapter 83.08 RCW measured

by the full value of the entire property after deduction of the amounts allowable under RCW 83.04.013.

Sec. 2. Section 3, chapter 292, Laws of 1961 and RCW 83.04.013 are each amended to read as follows:

~~((All debts owing by the decedent at the time of his death, the local and state taxes due from the estate prior to his death, and a reasonable sum for funeral expenses, monument or crypt, court costs, including cost of appraisal made for the purpose of assessing the inheritance tax, the fees of executors, administrators or trustees, reasonable attorney's fees, and family allowance not to exceed one thousand dollars, and no other sum, shall be allowable as deductions from the gross value of the entire property, but said debts shall not be deducted unless the same are allowed or established within the time provided by law.))~~ The following shall be allowed as deductions from the gross value of the property passing:

(1) All debts owing by decedent at the date of death: PROVIDED, That debts founded upon a promise or agreement shall be allowable only to the extent that they were contracted, bona fide, and for full and adequate consideration in money or money's worth;

(2) All unpaid local and state taxes assessed on decedent's property and payable before or during the calendar year of decedent's death;

(3) Reasonable costs of funeral, burial, and monument or crypt;

(4) Court costs and reasonable fees of the personal representative and his attorneys, accountants, and appraisers incurred in administering decedent's estate; and

(5) Reasonable fees of trustees, attorneys, accountants, and appraisers incurred in determining the amount of state and federal death taxes payable by reason of decedent's death.

Sec. 3. Section 1, chapter 73, Laws of 1972 ex. sess. and RCW 83.24.035 are each amended to read as follows:

~~((There shall be allowable as deductions from the gross value of the entire property of the estate in determining the amount of tax without administration as provided for in RCW 83.24.010, the local and state taxes due from the decedent prior to his death; a reasonable sum for funeral expenses, monument or crypt; the cost of appraisal made for purposes of determining the inheritance tax, the amount of said deduction as to each appraisal not to exceed one-tenth of one percent of the gross value of the assets appraised; reasonable attorney's fees, and all debts owing by the decedent at the time of his death; and no other sum, but said debts shall not be deducted unless at the time of decedent's death the amount was justly due, that no payments had been made thereon, and that there were no offsets to the same.))~~ The following shall be allowed as deductions from the gross value of the property passing:

(1) All debts owing by decedent at the date of death: PROVIDED, That debts founded upon a promise or agreement shall be allowable only to the

extent that they were contracted, bona fide, and for full and adequate consideration in money or money's worth;

(2) All unpaid local and state taxes assessed on decedent's property and payable before or during the calendar year of decedent's death;

(3) Reasonable costs of funeral, burial, and monument or crypt;

(4) Reasonable fees of trustees, attorneys, accountants, and appraisers incurred in determining the amount of state and federal death taxes payable by reason of decedent's death.

Sec. 4. Section 83.04.030, chapter 15, Laws of 1961 as amended by section 9, chapter 292, Laws of 1961 and RCW 83.04.030 are each amended to read as follows:

Except as to the limitations and exemptions prescribed for each class by chapter 83.08 RCW (~~and~~), except as to real property located outside the state passing in fee from the decedent owner, and except as to tangible personal property permanently located (having situs) outside of this state, the tax imposed under chapter 83.08 RCW shall be assessed against and be collected from property of every kind, which, at the death of the decedent owner is subject to, or thereafter, for the purpose of distribution, is brought into this state and becomes subject to the jurisdiction of the courts of this state for distribution purposes, or which was owned by any decedent domiciled within the state at the time of the death of such decedent, even though the property of said decedent so domiciled was situated outside of the state.

NEW SECTION. Sec. 5. There is added to chapter 83.04 RCW a new section to read as follows:

(1) Except as provided in subsection (2) of this section, the measure of the tax imposed under chapter 83.08 RCW shall include the value of all property to the extent of any interest therein of which the decedent has at any time made a transfer, by trust or otherwise, during the three year period ending on the date of the decedent's death.

(2) Subsection (1) of this section shall not apply to: (a) Any bona fide sale for an adequate and full consideration in money or money's worth, and (b) any gift to a donee made during a calendar year if the decedent was not required by RCW ... (section 8, chapter ... (SB 2182), Laws of 1979) to file any gift tax return for the year with respect to gifts to the donee.

(3) The measure of the tax imposed under chapter 83.08 RCW (determined without regard to this subsection) shall be increased by the amount of any federal and Washington state gift taxes paid by the decedent or his estate on any gift made by the decedent or his spouse after the effective date of this act and during the three-year period ending on the date of the decedent's death.

Sec. 6. Section 83.04.080, chapter 15, Laws of 1961 and RCW 83.04-.080 are each amended to read as follows:

Whenever any person (~~(or corporation)~~) shall exercise or terminate a power of appointment derived from any disposition of property, made (~~(either before or after March 21, 1931, such)~~) before June 7, 1951, the appointment when ((made)) exercised or terminated shall be deemed a transfer taxable under the provisions of the inheritance tax laws of the state of Washington in the same manner as though the property to which such appointment relates belonged absolutely to the donee of such power and had been bequeathed or devised by such donee by will, except that where the donor was a resident and the donee, at the time the appointment takes effect, is a nonresident, the property to which the appointment relates shall be taxable as having been transferred in the estate of the donor.

Sec. 7. Section 83.05.020, chapter 15, Laws of 1961 and RCW 83.05.020 are each amended to read as follows:

The granting of a power of appointment, in conjunction with a disposition of property which is effected (~~((before))~~) on or after June 7, 1951, by will, or by deed, grant, sale, contract, or gift made in contemplation of the death of the grantor, or by deed, grant, sale, contract, or gift made or intended to take effect in possession or enjoyment at or after the death of the grantor, to any person in trust or otherwise, or by a transfer in trust or otherwise, under which the grantor has retained for his life or for any period not ascertainable without reference to his death, or for any period which does not in fact end before his death, the possession or enjoyment of any part of the property, or the right to all or any part of the income from the property, or the right, either alone or in conjunction with any person, to designate the persons who shall possess or enjoy the property or the income therefrom, is a transfer subject to the inheritance tax laws of this state from the grantor to the ultimate beneficiary thereof.

Sec. 8. Section 83.08.050, chapter 15, Laws of 1961 and RCW 83.08.050 are each amended to read as follows:

Any devise, bequest, legacy, or gift of or beneficial interest (~~((to))~~) in any property or income therefrom passing in trust shall be classified and taxed in accordance with the relationship of the (~~((cestui que trust))~~) transferor to the trust beneficiary.

Sec. 9. Section 83.16.020, chapter 15, Laws of 1961 as amended by section 108, chapter 278, Laws of 1975 1st ex. sess. and RCW 83.16.020 are each amended to read as follows:

~~((When the estate of a deceased person is subject to an inheritance tax, and there is an annuity, life estate, or an estate for a term of years given to one or more persons and the remainder to another or others, the entire estate shall be appraised as other estates are required to be appraised by the laws of this state. The value of the annuity, life or term estate shall be determined in accordance with the rules, methods, and standards of mortality~~

~~and value that are set forth in tables to be furnished by the insurance commissioner of this state upon request of the department of revenue based upon such mortality tables as is from time to time required by law for use by life insurance companies in this state in determining nonforfeiture values under ordinary life insurance policies, except that the rate of interest used in computing the present value of the annuity, life or term estate shall be three and one-half percent per annum, and the value of the remainder interest shall be determined by deducting such computed value from the value of the entire property.))~~ If the property passing includes an annuity, life estate, or a term of years given to one or more beneficiaries and a remainder, reversion, or other future interest given to one or more other beneficiaries, the present value of the interest of each beneficiary shall be determined in accordance with actuarial tables pursuant to sections 2031 and 2512 of the Internal Revenue Code of 1954 for similar purposes. After the values shall have been determined as provided in this section, the tax shall be computed and collected in the same manner that the tax on other estates is computed and collected: **PROVIDED**, That any person owning the beneficial interest in the remainder may defer the payment of the tax thereon until he comes into possession of the same by filing in the office of the county clerk within thirty days after the determination of the tax, a good and sufficient surety company bond to the state, or such other security as is deemed by the department of revenue to be adequate, in a sum equal to the amount of the tax conditioned that he will pay such tax in full within sixty days after coming into possession of the estate. The bond shall not operate to defer payment of the tax unless it is approved by the department of revenue, and if it shall appear to the department at any time that a bond previously filed and approved has become insufficient it may require a new bond to be filed. Interest at the rate of four percent per annum shall accrue against the tax deferred and shall be paid to the department annually. If the person owning the beneficial interest in the remainder shall fail to file a bond within the time herein provided, or if he shall fail to file a new bond when directed by the department, or if he shall fail to pay the interest on the deferred tax within thirty days after notice by the department that the interest payment has not been made when due, the tax and interest shall immediately become due and payable.

Sec. 10. Section 83.16.080, chapter 15, Laws of 1961 as last amended by section 14, chapter 107, Laws of 1979 and RCW 83.16.080 are each amended to read as follows:

~~((Insurance payable upon the death of any person shall be deemed a part of the estate for the purpose of computing the inheritance tax and shall be taxable to the person, partnership, or corporation entitled thereto. Such insurance shall be taxable irrespective of the fact that the premiums of the policy have been paid by some person, partnership, or corporation other than the insured, or paid out of the income accruing from principal provided~~

~~by the assured for such payment, whether such principal was donated in trust or otherwise: PROVIDED, HOWEVER, That there is exempt from the total amount of insurance receivable by all beneficiaries other than the executor, administrator or representative of the estate, regardless of the number of policies, the sum of forty thousand dollars and no more.~~

~~Where more than one beneficiary is entitled to the benefit of the provisions of this section exempting forty thousand dollars of the proceeds of insurance policies payable upon death, the benefit of such exemption shall be apportioned among such beneficiaries ratably and proportionately. PROVIDED, That where there is fraternal benefit society insurance payable upon the death of the decedent and other insurance payable upon the death of the decedent, the forty thousand dollars exemption shall first be taken from the fraternal benefit society insurance and if the same does not equal forty thousand dollars, then the balance of the forty thousand shall be prorated among other policies.))~~ The value of property passing shall include the proceeds of policies of life insurance on the life of the decedent to the extent that:

- (1) The proceeds are receivable as an asset of the decedent's estate;
- (2) The decedent owned an interest in the policies at the time of his death; or
- (3) The decedent possessed at the time of his death any incident of ownership in the policies, exercisable either alone or in conjunction with any other person, other than in a fiduciary capacity under an irrevocable trust created by a person other than the decedent.

The proceeds of policies of life insurance on the life of the decedent receivable by beneficiaries other than the decedent's estate shall be exempt to the extent of sixty thousand dollars. In the event that the proceeds receivable by beneficiaries other than the decedent's estate exceed the amount of the exemption, the benefit of the exemption shall be ratably apportioned among them.

The inheritance tax upon the proceeds of any insurance policy shall be a lien upon the proceeds of such policy in the hands or possession of the estate of the deceased insured or in the hands or possession of any other beneficiary under such policy to whom such proceeds may have been paid: PROVIDED, That when proceeds of insurance payable upon death, or receivable by a beneficiary other than the ~~((executor or))~~ personal representative, the ~~((executor or))~~ personal representative shall recover from such beneficiary the tax due upon such proceeds of such policy or policies. The director shall have power to release such lien with respect to all or any part of such proceeds if he be satisfied that the collection of the tax will not thereby be jeopardized.

Nothing in the inheritance tax provisions of this title shall prevent the payment by any insurance company, association, or society of the proceeds of any policy upon the death of a decedent to the person entitled thereto,

except where prior to such payment the director has notified the company that the state is claiming a lien thereon payment shall be deferred until the tax has been paid.

NEW SECTION. Sec. 11. There is added to chapter 83.08 RCW a new section to read as follows:

As used in this title:

(1) "Class A beneficiary" means a person who is:

(a) Decedent's lineal ancestor;

(b) Decedent's lineal descendant including stepchildren and their lineal descendants and adopted persons and their lineal descendants if, in the case of adopted persons, the decree of adoption was either (i) entered before the effective date of this act or before the eighteenth birthday of the adopted person or (ii) entered more than five years before the death of the decedent if the decree of adoption was entered on or after the eighteenth birthday of the adopted person;

(c) Decedent's spouse; or

(d) A spouse of a lineal descendant of the decedent.

(2) "Class B beneficiary" means a person who is decedent's brother or sister, or a lineal descendant of decedent's brother or sister.

(3) "Class C beneficiary" means a person, corporation, or body politic who or which is neither a class A beneficiary nor a class B beneficiary nor an entity exempt from inheritance tax.

NEW SECTION. Sec. 12. There is added to chapter 83.08 RCW a new section to read as follows:

(1) If the amount passing to class A is:

The tax is the sum of:

(a) Up to and including \$25,000	1%
(b) In excess of \$25,000 up to and including \$50,000	2%
(c) In excess of \$50,000 up to and including \$75,000	3%
(d) In excess of \$75,000 up to and including \$100,000	4%
(e) In excess of \$100,000 up to and including \$200,000	7%
(f) In excess of \$200,000 up to and including \$500,000	9%
(g) In excess of \$500,000	10%

(2) There shall be allowed as exemptions to class A the following amounts:

(a) One hundred thousand dollars of the sum of any amounts passing to the spouse or any minor child of the decedent;

(b) Ten thousand for each living minor child of the decedent;

(c) Ten thousand dollars of any amount passing to any child of the decedent other than a minor child; and

(d) Ten thousand dollars of any amount passing to the descendants of any deceased child, stepchild, or adopted child as a class (per stirpes and not per capita).

(e) As used in this subsection (2), "child" includes a child, stepchild, or adopted child; and "minor child" means a child under the age of twenty-five, or a child eighteen years of age at the time of the parent's death who has been found to be incompetent by judicial determination in this or any state, or who is unable to support himself or herself by reason of physical or mental handicap as determined by the department of revenue.

(3) In addition to the exemptions under subsection (2) of this section, there shall be allowed as an exemption an amount equal to five thousand dollars multiplied by the difference between twenty-one and the age in years of a child of the decedent who is under the age of twenty-one years on the date of decedent's death if:

(a) The decedent does not have a surviving spouse; and

(b) The child, immediately after the death of the decedent, has no known parent.

(4) The exemption under subsection (3) of this section shall not exceed the value of property passing to the child.

(5) The total of the exemptions under this section shall be applied against that portion of the total amount passing to class A which is taxable at the lowest rates, and the allowable exemptions shall not be increased by the amount of any award or allowance granted under chapter 11.52 RCW.

NEW SECTION. Sec. 13. There is added to chapter 83.08 RCW a new section to read as follows:

The amount of the exemptions allowed in section 12(2) of this act shall be as follows for years subsequent to 1979:

For Decedents Dying in:	Spouse and minor child of Decedent Subsection (a)	Child of Decedent Subsections (b) and (c)	Descendants of Deceased Child Subsection (d)
1980	\$100,000	\$10,000	\$10,000
1981	106,000	10,500	10,500
1982	112,000	11,000	11,000
1983	118,000	11,500	11,500
1984	124,000	12,000	12,000
1985 and thereafter	130,000	12,500	12,500

NEW SECTION. Sec. 14. There is added to chapter 83.08 RCW a new section to read as follows:

(1) In addition to the exemptions allowed in this chapter, the following exemption shall apply to community property passing to a surviving spouse in the following manner: For decedents dying in 1981: One-quarter of the value of the community property not attributable to the surviving spouse. For decedents dying in 1982: One-half of the value of the community property not attributable to the surviving spouse. For decedents dying in 1983: Three-fourths of the value of the community property not attributable to the surviving spouse. For decedents dying in or after 1984: The entire amount of the value of the community property not attributable to the surviving spouse.

(2) The total of the exemptions under this section shall be applied against that portion of the total amount passing to class A which is taxable at the lowest rates, and the allowable exemptions shall not be increased by the amount of any award or allowance granted under chapter 11.52 RCW.

NEW SECTION. Sec. 15. There is added to chapter 83.08 RCW a new section to read as follows:

(1) If the amount passing to class B is:	The tax is the sum of:
(a) Up to \$10,000	3%
(b) In excess of \$10,000 up to and including \$20,000	4%
(c) In excess of \$20,000 up to and including \$60,000	7%
(d) In excess of \$60,000 up to and including \$100,000	10%
(e) In excess of \$100,000 up to and including \$200,000	15%
(f) In excess of \$200,000	20%

(2) If no exemption for class A is allowed, ten thousand dollars of any amount passing to class B is exempt, and the exemption shall be applied to that portion of the total amount passing to class B which is taxable at the lowest rates.

NEW SECTION. Sec. 16. There is added to chapter 83.08 RCW a new section to read as follows:

If the amount passing to class C is:	The tax is the sum of:
(1) Up to \$20,000	10%
(2) In excess of \$20,000 up to and including \$50,000	15%
(3) In excess of \$50,000 up to and including \$100,000	20%
(4) In excess of \$100,000	25%

NEW SECTION. Sec. 17. The department of revenue shall review the exemption levels and rate schedules provided for in sections 12 through 16 of this act in relationship to inflationary trends and report its findings and recommendations to the legislature by September 30, 1984.

NEW SECTION. Sec. 18. There is added to chapter 11.08 RCW a new section to read as follows:

All cash received by the personal representative of an escheat estate shall be immediately deposited at interest for the benefit of the estate in a federally insured time or savings deposit or share account, except that the personal representative may maintain an amount not to exceed two hundred fifty dollars in a checking account. This arrangement may be changed by appropriate court order.

Sec. 19. Section 11.08.210, chapter 145, Laws of 1965 as amended by section 5, chapter 278, Laws of 1975 1st ex. sess. and RCW 11.08.210 are each amended to read as follows:

If at the expiration of four months from the date of the first publication of notice to creditors no heirs have appeared and established their claim to the estate, the court may enter an interim order allowing claims, expenses, and partial fees. If at the expiration of ~~((sixteen))~~ ten months from the date of issuance of letters testamentary or of administration no heirs have appeared and established their claim to the estate, all personal property not in the form of cash shall be sold under order of the court. Personal property found by the court to be worthless shall be ordered abandoned. Real property shall not be sold for the satisfaction of liens thereon, or for the payment of the debts of decedent or expenses of administration until the proceeds of the personal property are first exhausted. The court shall then enter a decree allowing any additional fees and charges deemed proper and distributing the balance of the cash on hand, together with any real property, to the state. Remittance of cash on hand shall be made to the department of revenue which shall make proper records thereof and forthwith forward such funds to the state treasurer for deposit in the permanent common school fund of the state.

Sec. 20. Section 83.05.050, chapter 15, Laws of 1961 as amended by section 101, chapter 278, Laws of 1975 1st ex. sess. and RCW 83.05.050 are each amended to read as follows:

Unless the greatest possible tax is paid in full ~~((within thirty days after receipt of the property by the trustee or within thirty days after the death of the grantor, whichever occurs last;))~~ a surety company bond shall be executed in favor of the state of Washington by the trustee and filed with the department of revenue, which bond shall be binding on his successors or representatives, in an amount equal to the greatest possible tax, conditioned that upon the exercise or termination of the power the department will be notified and the final tax paid in full ~~((= PROVIDED, That))~~. The trustee

may elect to pay a tentative tax based on the probabilities of devolution of the property, and file a bond only for the difference between the tentative tax paid and the greatest possible tax. The department of revenue may, for reasonable cause shown, enter into a written agreement with the representatives of the estate, or the donee of the power, to fix the amount of the greatest possible tax in accordance with agreed limitations on the exercise of the power. The payment of the amount agreed upon shall be in full satisfaction of the tax imposed by this chapter, and the amount shall be payable out of the property transferred. The department, in its discretion, may accept other adequate security in lieu of any bond or payment of tentative tax. If at any time the department has cause to believe that the bond or security furnished is inadequate to insure payment of the final tax, it may require such further security from the remaining property as it deems necessary. If the trustee fails or refuses to pay such tax, or furnish a bond or adequate security, the greatest possible tax shall immediately become due and payable, and may be enforced against the property by the department through foreclosure proceedings. Any bond executed by the trustee as above provided shall not be released or exonerated without written consent of the department.

Sec. 21. Section 83.44.080, chapter 15, Laws of 1961 as amended by section 1, chapter 73, Laws of 1969 and RCW 83.44.080 are each amended to read as follows:

Where refunds are allowed in inheritance tax (~~(and escheat)~~) cases, the amount of money received and held by the state treasurer, by way of inheritance tax (~~(or escheat)~~), shall draw interest at the rate of eight percent per annum (~~((from the time of))~~) starting thirty days after the receipt by the state treasurer of said money until the refund (~~((thereof: PROVIDED, That in all inheritance tax cases where securities are deposited with the state treasurer in lieu of a cash payment and thereafter returned to the person or persons so depositing said securities with the state treasurer, the interest and income from said securities received by the state treasurer shall be paid over to said person or persons so depositing said securities))~~) is made. No refund of inheritance taxes shall be allowed unless demand for the refund is made upon the department before or within two years after the issuance of an inheritance tax release.

Sec. 22. Section 83.44.010, chapter 15, Laws of 1961 as last amended by section 1, chapter 132, Laws of 1971 ex. sess. and RCW 83.44.010 are each amended to read as follows:

All taxes imposed by the inheritance tax provisions of this title shall take effect and accrue upon the death of the decedent or donor. On and after September 1, 1971, if such tax is not paid within nine months from the accruing thereof, interest shall be charged and collected at the rate of eight percent per year computed from the expiration of such nine month period unless the amount of tax cannot be determined because of litigation pending

in any court of competent jurisdiction or arbitration under the provisions of chapter 83.14 RCW which involves, either directly or indirectly, the amount of tax payable, in which case interest shall not be charged against the estate nor paid by the state of Washington during the time necessarily consumed by such litigation or arbitration(~~(: PROVIDED, That)~~). In no case shall interest be tolled for a period of more than three years from the expiration of the nine months after date of death. On and after September 1, 1971, the minimum tax due in any event shall be paid within nine months from the accruing thereof. In all cases where a bond shall be given under the provisions of RCW 83.16.020 interest shall be charged at the rate of eight percent per year from and after a period of sixty days from the time that the person or persons owning the beneficial interest come into the possession of same until the payment thereof.

NEW SECTION. Sec. 23. There is added to chapter 83.20 RCW a new section to read as follows:

(1) There shall be exempt from inheritance taxes the value of any annuity or other payment receivable by any person (other than a decedent's estate) by reason of surviving a decedent which is payable under:

(a) Any pension or retirement plan or system established for the benefit of its employees by the United States, by the state of Washington, or by any county, city, or other municipality or political subdivision of the state of Washington; or

(b) Any individual retirement account or any pension, profit-sharing, thrift, stock bonus, or similar trust or any retirement annuity contract established or purchased as part of or pursuant to a qualified benefit plan qualifying for income tax exemption under the Internal Revenue Code of 1954 of the United States.

(2) If the spouse of an employee covered by an account, plan, system, or retirement annuity contract as described in subsection (1) of this section predeceases the employee, any interest of the spouse in the annuity or other payment as may become payable upon the death of the employee shall also be exempt from inheritance taxes.

(3) In order for the retirement benefit to be exempt, the personal representative shall, upon request, provide to the inheritance tax division a certification from the employer, administrator, trustee, or custodian of the benefit plan that it is so qualified.

NEW SECTION. Sec. 24. There is added to chapter 83.44 RCW a new section to read as follows:

(1) For reasonable cause the director may extend the time for payment of any part of the amount of inheritance tax imposed or of any deficiency assessed under Title 83 RCW for a reasonable period not to exceed ten years from the date prescribed by RCW 83.44.010 for payment of the tax.

(2) No extension shall be granted for the payment of any deficiency if the deficiency is due to negligence, fraud with intent to evade the tax, or an intentional disregard of the rules of the department.

(3) If payment of any amount of the tax imposed by Title 83 RCW is extended under this section, interest on the unpaid amount at an annual rate of eight percent shall be paid with each installment payment of the tax.

(4) If any installment under this section is not paid on or before the date fixed for its payment, the remainder of the tax payable in installments, plus interest, shall be paid upon notice and demand from the director.

(5) In the event an extension of time is granted, the director may require the executor to furnish a bond, or such other security as may be deemed reasonable, conditioned upon the payment of the amount deferred in accordance with the terms of the extension.

(6) The director shall adopt rules to carry out this section.

NEW SECTION. Sec. 25. There is added to chapter 83.08 RCW a new section to read as follows:

In case of the good faith compromise of a dispute regarding rights and interests of transferees approved or determined by court order, the tax shall be computed as though the persons receiving distribution were originally entitled thereto as transferees of the property.

NEW SECTION. Sec. 26. (1) If the decedent was at the time of his death a resident of the state and the application of sections 26 through 34 of this act is elected by filing the agreement referred to in section 29 of this act, then, for purposes of this chapter, the value of qualified real property shall be its value for the use under which it qualifies, under section 27 of this act, as qualified real property.

(2) The aggregate decrease in the value of qualified real property taken into account for purposes of this chapter which results from the application of subsection (1) of this section with respect to any decedent shall not exceed five hundred thousand dollars.

NEW SECTION. Sec. 27. (1) For purposes of sections 26 through 34 of this act, the term "qualified real property" means real property located in the state which is acquired or passed from the decedent to a qualified heir of the decedent and which, on the date of the decedent's death, was being used for a qualified use, but only if:

(a) Fifty percent or more of the adjusted value of the gross estate consists of the adjusted value of real or personal property which:

(i) On the date of the decedent's death, was being used for a qualified use; and

(ii) Was acquired from or passed from the decedent to a qualified heir of the decedent;

(b) Twenty-five percent or more of the adjusted value of the gross estate consists of the adjusted value of real property which meets the requirements of subsection (1)(a)(ii) and (c) of this section;

(c) During the eight-year period ending on the date of the decedent's death there have been periods aggregating five years or more during which:

(i) The real property was owned by the decedent or a member of the decedent's family and used for a qualified use; and

(ii) There was material participation by the decedent or a member of the decedent's family in the operation of the farm or other business; and

(d) The real property is designated in the agreement referred to in section 29(2) of this act.

(2) For purposes of sections 26 through 34 of this act, the term "qualified use" means the devotion of the property to any of the following:

(a) Use as a farm for farming purposes; or

(b) Use in a trade or business other than the trade or business of farming.

(3) For purposes of subsection (1) of this section, the term "adjusted value" means:

(a) In the case of the gross estate, the value of the gross estate for purposes of this chapter (determined without regard to sections 26 through 34 of this act), reduced by any unpaid mortgages on or any indebtedness in respect to property where the value of the decedent's interest therein, undiminished by the mortgage or indebtedness, is included in the value of the gross estate; or

(b) In the case of any real or personal property, the value of the property for purposes of this chapter (determined without regard to this section), reduced by any unpaid mortgages on or any indebtedness in respect to property where the value of the decedent's interest therein, undiminished by the mortgage or indebtedness, is included in the value of the gross estate.

(4) For the purposes of this title, "gross estate" means all property subject to the inheritance tax under this title.

NEW SECTION. Sec. 28. (1) If within fifteen years after the decedent's death and before the death of the qualified heir:

(a) The qualified heir disposes of any interest in qualified real property (other than by a disposition to a member of his family); or

(b) The qualified heir ceases to use for the qualified use the qualified real property which was acquired (or passed) from the decedent, then there is hereby imposed an additional inheritance tax.

(2) (a) The amount of the additional tax imposed by subsection (1) of this section with respect to any interest shall be the amount equal to the lesser of:

(i) The adjusted tax difference attributable to the interest; or

(ii) The excess of the amount realized with respect to the interest (or, in any case other than a sale or exchange at arm's length, the fair market value of the interest) over the value of the interest determined under section 26 of this act.

(b) For purposes of subsection (2)(a) of this section, the adjusted tax difference attributable to an interest is the amount which bears the same ratio to the adjusted tax difference with respect to the inheritance (determined under subsection (2)(c) of this section) as:

(i) The excess of the value of the interest for purposes of this chapter (determined without regard to section 26 of this act) over the value of the interest determined under section 26 of this act bears to

(ii) A similar excess determined for all qualified real property.

(c) For purposes of subsection (2)(b) of this section, the term "adjusted tax difference with respect to the inheritance" means the excess of what would have been the inheritance tax liability but for section 26 of this act over the inheritance tax liability. For purposes of this paragraph, the term "inheritance tax liability" means the tax imposed by this title.

(d) For purposes of this paragraph, where the qualified heir disposes of a portion of the interest acquired by (or passing to) the heir (or a predecessor qualified heir) or there is a cessation of use of such a portion:

(i) The value determined under section 26 of this act taken into account under subsection (2)(a)(ii) of this section with respect to the portion shall be its pro rata share of the value of the interest; and

(ii) The adjusted tax difference attributable to the interest taken into account with respect to the transaction involving the second or any succeeding portion shall be reduced by the amount of the tax imposed by this section with respect to all prior transactions involving portions of the interest.

(3) If the date of the disposition or cessation referred to in subsection (1) of this section occurs more than one hundred twenty months and less than one hundred eighty months after the date of the death of the decedent, the amount of the tax imposed by this section shall be reduced (but not below zero) by an amount determined by multiplying the amount of the tax (determined without regard to this subsection) by a fraction:

(a) The numerator of which is the number of full months after the death in excess of one hundred twenty; and

(b) The denominator of which is sixty.

(4) In the case of an interest acquired from (or passing from) any decedent, if subsection (1) of this section applies to any portion of an interest, subsection (1)(a) or (b) of this section, as the case may be, shall not apply with respect to the same portion of the interest.

(5) The additional tax imposed by this section shall become due and payable on the day which is six months after the date of the disposition or cessation referred to in subsection (1) of this section. If the additional tax is

not paid within the time prescribed by this subsection, interest shall accrue at the rate of eight percent per year on the unpaid amount.

(6) The qualified heir shall be personally liable for the additional tax imposed by this section with respect to his interest unless the heir furnishes a bond which meets the requirements of section 30(9) of this act.

(7) For purposes of subsection (1)(b) of this section, real property shall cease to be used for the qualified use if:

(a) The property ceases to be used for the qualified use set forth in section 27(2)(a) or (b) of this act under which the property qualified under section 27 of this act; or

(b) During any period of eight years ending after the date of the decedent's death and before the date of the death of the qualified heir, there had been periods aggregating three years or more during which:

(i) In the case of periods during which the property was held by the decedent, there was no material participation by the decedent or any member of his family in the operation of the farm or other business; and

(ii) In the case of periods during which the property was held by any qualified heir, there was no material participation by the qualified heir or any member of his family in the operation of the farm or other business.

NEW SECTION. Sec. 29. (1) The election under sections 26 through 34 of this act shall be made not later than the time prescribed by RCW 83.44.010 for filing the return of tax imposed by this title (including extensions thereof) and shall be made in such manner as the director shall prescribe by rule.

(2) The election referred to in this section is a written agreement signed by each person in being, or the personal representative of the person, who has an interest (whether or not in possession) in any property designated in the agreement consenting to the application of section 28 of this act with respect to the property.

NEW SECTION. Sec. 30. For purposes of sections 26 through 34 of this act:

(1) The term "qualified heir" means, with respect to any property, a member of the decedent's family who acquired the property (or to whom the property passed) from the decedent. If a qualified heir disposes of any interest in qualified real property to any member of his family, the member shall thereafter be treated as the qualified heir with respect to the interest.

(2) The term "member of the family" means, with respect to any individual, only the individual's ancestor or lineal descendant, a lineal descendant of a grandparent of the individual, the spouse of the individual, or the spouse of such a descendant. For purposes of the preceding sentence, a legally adopted child of an individual shall be treated as a child of the individual by blood.

(3) In the case of real property which meets the requirements of section 27(1)(c) of this act, residential buildings and related improvements on the

real property occupied on a regular basis by the owner or lessee of the real property or by persons employed by the owner or lessee for the purpose of operating or maintaining the real property, and roads, buildings, and other structures and improvements functionally related to the qualified use shall be treated as real property devoted to the qualified use.

(4) The term "farm" includes stock, dairy, poultry, fruit, furbearing animals, and truck farms, plantations, ranches, nurseries, ranges, greenhouses, or other similar structures used primarily for the raising of agricultural or horticultural commodities, and orchards and woodlands.

(5) The term "farming purposes" means:

(a) Cultivating the soil or raising or harvesting any agricultural or horticultural commodity (including the raising, shearing, feeding, caring for, training, and management of animals) on a farm;

(b) Handling, drying, packing, grading, or storing on a farm any agricultural or horticultural commodity in its unmanufactured state, but only if the owner, tenant, or operator of the farm regularly produces more than one-half of the commodity so treated; and

(c) (i) The planting, cultivating, caring for, or cutting of trees; or

(ii) The preparation (other than milling) of trees for market.

(6) Material participation shall be determined in a manner similar to the manner used for purposes of section 1402(a) of the Internal Revenue Code of 1954 (relating to net earnings from self-employment).

(7) Property shall be considered to have been acquired or passed from the decedent if:

(a) The property is so considered under RCW 82.04.010 (property subject to inheritance tax);

(b) The property is acquired by any person from decedent's estate in satisfaction of the right of the person to a pecuniary bequest; or

(c) The property is acquired by any person from a trust in satisfaction of a right (which the person has by reason of the death of the decedent) to receive from the trust a specific dollar amount which is the equivalent of a pecuniary bequest.

(8) If the decedent and the surviving spouse at any time held qualified real property as community property, the interest of the surviving spouse in the property shall be taken into account under this section to the extent necessary to provide a result under this section with respect to the property which is consistent with the result which would have been obtained under this section if the property had not been community property.

(9) If the qualified heir makes written application to the director for determination of the maximum amount of the additional tax which may be imposed by section 26 of this act with respect to the qualified heir's interest, the director (as soon as possible and in any event within one year after the making of the application) shall notify the heir of the maximum amount. The qualified heir, on furnishing a bond in such amount and for such period

as may be required, shall be discharged from personal liability for any additional tax imposed by section 26 of this act and shall be entitled to a receipt or writing showing the discharge.

NEW SECTION. Sec. 31. (1) (a) Except as provided in subsection (1)(b) of this section the value of a farm for farming purposes shall be determined by dividing:

(i) The excess of the average annual gross cash rental for comparable land used for farming purposes and located in the locality of the farm over the average annual state and local real estate taxes for the comparable land by

(ii) The average annual effective interest rate for all new Federal Land Bank loans.

For purposes of the preceding sentence, each average annual computation shall be made on the basis of the five most recent calendar years ending before the date of the decedent's death.

(b) The formula provided by subsection (1)(a) of this section shall not be used:

(i) Where it is established that there is no comparable land from which the average annual gross cash rental may be determined; or

(ii) Where the election under section 29 of this act specifies that the value of the farm for farming purposes is to be determined under subsection (2) of this section.

(2) In any case to which subsection (1)(a) of this section does not apply, the following factors shall apply in determining the value of any qualified real property:

(a) The capitalization of income which the property can be expected to yield for farming or closely held business purposes over a reasonable period of time under prudent management using traditional cropping patterns for the area, taking into account soil capacity, terrain configuration, and similar factors;

(b) The capitalization of the fair rental value of the land for farmland or closely held business purposes;

(c) Assessed land values in the state;

(d) Comparable sales of other farm or closely held business land in the same geographical area far enough removed from a metropolitan or resort area so that nonagricultural use is not a significant factor in the sales price; and

(e) Any other factor which fairly values the farm or closely held business value of the property.

NEW SECTION. Sec. 32. If qualified real property is disposed of or ceases to be used for a qualified use, then:

(1) The statutory period for the assessment of any additional tax under section 28 of this act attributable to the disposition or cessation shall not

expire before the expiration of three years from the date the director is notified (in such manner as the director may by rule prescribe) of the disposition or cessation; and

(2) The additional tax may be assessed before the expiration of the three-year period notwithstanding the provisions of any other law or rule of law which would otherwise prevent the assessment.

NEW SECTION. Sec. 33. (1)(a) If there is an involuntary conversion of an interest in qualified real property and the qualified heir makes an election under this section:

(i) No tax shall be imposed by section 28 of this act on such conversion if the cost of the qualified replacement property equals or exceeds the amount realized on such conversion; or

(ii) If (a)(i) of this subsection does not apply, the amount of the tax imposed by section 28 of this act on such conversion shall be the amount determined under (b) of this subsection.

(b) The amount of the tax with respect to any involuntary conversion is the amount of the tax which (but for this section) would have been imposed on such conversion reduced by an amount which:

(i) Bears the same ratio to such tax, as

(ii) the cost of the qualified replacement property bears to the amount realized on the conversion.

(2) For the purposes of section 28 of this act:

(a) Any qualified replacement property shall be treated in the same manner as if it were a portion of the interest in qualified real property which was involuntarily converted, except that with respect to such qualified replacement property:

(i) The fifteen-year period under section 28(1) of this act shall be extended by any period, beyond the two-year period referred to in subsection (4)(a) of this section during which the qualified heir was allowed to replace the qualified real property; and

(ii) The phaseout period under section 28(3) of this act shall be appropriately adjusted to take into account the extension referred to in (a)(i) of this subsection;

(b) Any tax imposed by section 28 of this act on the involuntary conversion shall be treated as a tax imposed on a partial disposition; and

(c) Section 28(7) of this act shall be applied:

(i) By not taking into account periods after the involuntary conversion and before the acquisition of the qualified replacement property; and

(ii) By treating material participation with respect to the converted property as material participation with respect to the qualified replacement property.

(3) For purposes of this section:

(a) The term "involuntary conversion" means property that (as a result of its destruction in whole or in part, theft, seizure, or requisition or condemnation or threat or imminence thereof) is compulsorily or involuntarily converted:

(i) Into property similar or related in service or use to the property so converted; or

(ii) Into money or into property not similar or related in service or use to the converted property;

(b) The term "qualified replacement property" means:

(i) In the case of an involuntary conversion described in (a)(i) of this subsection, any real property into which the qualified real property is converted; or

(ii) In the case of an involuntary conversion described in (a)(ii) of this subsection, any real property purchased by the qualified heir during the period specified in subsection (4) of this section for purposes of replacing the qualified real property. This term only includes property which is to be used for the qualified use set forth in section 27(2)(a) or (b) of this act under which the qualified real property qualified under section 26 of this act.

(4) The period referred to in subsection (3)(b)(ii) of this section shall be the period beginning with the date of the disposition of the converted property, or the earliest date of the threat or imminence of requisition or condemnation of the converted property, whichever is the earlier, and ending:

(a) Two years after the close of the first taxable year for federal income tax purposes in which any part of the gain upon the conversion is realized; or

(b) Subject to such terms and conditions as may be specified by the director, at the close of such later date as the director may designate on application by the taxpayer. Such application shall be made at such time and in such manner as the director may by rule prescribe.

(5) Any election under this section shall be made at such time and in such manner as the director may by rule prescribe.

NEW SECTION. Sec. 34. The director shall prescribe rules setting forth the application of sections 26 through 34 and 36 of this act (relating to tax liens) in the case of an interest in a partnership, corporation, or trust which, with respect to the decedent, is an interest in a closely held business (within the meaning of section 6166(b)(1) of the Internal Revenue Code of 1954).

NEW SECTION. Sec. 35. If an election is made to value property at current use for federal but not state purposes, the current use value of the property determined for federal purposes shall not affect the value of the property for purposes of the state inheritance tax.

If an election is made to value the same property at current use for federal and state purposes, then RCW 83.40.040 (federal audit) shall apply to the property. An election to value property at current use under sections 26

through 34 of this act for state inheritance tax purposes may be made whether or not an election is made to value property at current use under section 2032(a) of the Internal Revenue Code of 1954 for federal estate tax purposes.

NEW SECTION. Sec. 36. There is added to chapter 83.04 RCW a new section to read as follows:

(1) In the case of any interest in qualified real property (within the meaning of section 27 of this act) an amount equal to the adjusted tax difference attributable to the interest (within the meaning of section 28(2)(b) of this act) shall be a lien in favor of the state on the property in which the interest exists.

(2) The lien imposed by this section shall arise at the time an election is filed under section 29 of this act and shall relate back to the date of death of the decedent and continue with respect to any interest in the qualified real property until:

(a) The liability for tax under section 28 of this act with respect to the interest has been satisfied or has become unenforceable by reason of lapse of time; or

(b) It is established to the satisfaction of the director that no further tax liability may arise under section 28 of this act with respect to the interest.

(3) The notice of the lien imposed by this section shall be filed with the auditor of the county wherein the property is located. The notice of the lien shall not be required to be refiled.

(4) If there is a lien under this section on any property with respect to any estate, there shall not be any lien under RCW 83.04.023.

(5) To the extent provided in rules prescribed by the director, the furnishing of security may be substituted for the lien imposed by this section.

(6) The lien imposed by this section may be subordinated to any subsequent lien if the director determines that the state will be adequately secured after the subordination.

Sec. 37. Section 83.16.010, chapter 15, Laws of 1961 and RCW 83.16-.010 are each amended to read as follows:

All property of the estate of a deceased person, for the purposes of computing the inheritance tax, shall be valued and appraised at the fair market value (~~thereof~~), unless current use valuation is elected under sections 26 through 34 of this 1979 act, on the day of the death of the decedent owner thereof and subsequent sales shall not affect the value so used. The executor, administrator or trustee in preparing the inventory in all probate cases, shall insert at the right of each real estate tract, the assessed valuation of such tract and of the improvements thereon for the information of the appraisers and other interested parties.

Sec. 38. Section 83.40.040, chapter 15, Laws of 1961 as amended by section 12, chapter 28, Laws of 1963 ex. sess. and RCW 83.40.040 are each amended to read as follows:

Except as provided in section 35 of this act, if after the values have been determined under this title for inheritance tax purposes, the same estate is valued under the federal estate tax statute and the date of death value of the property, or any portion thereof, fixed under the federal law, is increased above or decreased below the value theretofore fixed under the inheritance tax provisions of this title, and this valuation under the federal estate tax is accepted by the estate either by agreement or through final determination in the federal court, the value as fixed under the inheritance tax provisions of this title upon such property or portion thereof shall be increased or decreased to this amount.

NEW SECTION. Sec. 39. Sections 26 through 35 of this act are each added to chapter 83.16 RCW.

Sec. 40. Section 83.20.010, chapter 15, Laws of 1961 and RCW 83.20.010 are each amended to read as follows:

All gifts, bequests, devises, and transfers of property to or for the use of any of the following shall be exempt from inheritance tax:

- (1) The United States of America;
- (2) The state of Washington;
- (3) A municipal or public corporation, school district or any school or educational institution in this state supported by public funds in whole or in part;
- (4) A trust or a fraternal society, order or association operating under the lodge system, exclusively for any religious, charitable, scientific, literary, educational, public or other like work, whether or not such work is to be carried on within this state; or
- (5) A society, corporation, institution, organization or association exclusively engaged in or devoted to any religious, charitable, scientific, literary, educational, public or other like work, no part of the net earnings of which inures to the benefit of any private stockholder or individual, whether or not it be organized under the laws of this state or engaged in such work therein.

No exemption is allowed under this section for any portion of a gift, devise, or bequest which is directed and used for the payment of any federal estate or gift tax or state inheritance or gift tax.

Sec. 41. Section 19, chapter 292, Laws of 1961 and RCW 83.40.010 are each amended to read as follows:

Where the tax imposed by the inheritance tax laws of the state of Washington is of a lesser amount than the maximum credit of ~~((eighty per cent of))~~ the federal estate tax allowed by the federal estate tax act, then the tax provided for by the said inheritance tax laws of the state of Washington shall be increased so that the amount of tax due the state of

Washington shall be the maximum amount of the credit allowed under said federal estate tax act: PROVIDED, That the said additional tax shall be paid out of the same funds as any ordinary charge against the estate.

Where no tax is imposed by the inheritance tax laws of the state of Washington because of the exemptions thereunder and a tax is due the United States under the federal estate tax act, then a tax shall be due the state of Washington equal to maximum amount of the credit allowed under said federal estate act.

Should the amount of tax imposed by the inheritance tax laws of the state of Washington increased by this section, be afterwards found to be more than the maximum credit allowed under the federal estate tax act, then any excess over and above the said maximum credit shall be refunded as provided by law.

Sec. 42. Section 2, chapter 148, Laws of 1973 and RCW 11.86.010 are each amended to read as follows:

As used in this section, unless otherwise clearly required by the context:

(1) "Beneficiary" means and includes any person entitled, but for his disclaimer, to take an interest: By intestate succession, devise, legacy, or bequest; by succession to a disclaimed interest by will, trust instrument, intestate succession, or through the exercise or nonexercise of a testamentary or other power of appointment; by virtue of a renunciation and election to take against a will; as beneficiary of a testamentary or other written trust or life insurance policy; pursuant to the exercise or nonexercise of a testamentary or other power of appointment; as donee of a power of appointment created by testamentary or trust instrument; (~~(or)~~) otherwise under a trust, testamentary or (~~(trust)~~) nontestamentary instrument or contract or community property agreement; or by right of survivorship.

(2) "Interest" means and includes the whole of any property, real or personal, legal or equitable, or any fractional part, share or particular portion or specific assets thereof, or any estate in any such property, or power to appoint, consume, apply or expend property or any other right, power, privilege or immunity relating thereto.

(3) "Disclaimer" means a written instrument which declines, refuses, releases, renounces or disclaims an interest which would otherwise be succeeded to by a beneficiary, which instrument defines the nature and extent of the interest disclaimed thereby and which must be signed, witnessed and acknowledged by the disclaimant in the manner provided for deeds of real estate, and also a written instrument which exercises a power to invade the corpus or principal of an estate or trust when such exercise has the effect of terminating an interest which could otherwise be succeeded to by a beneficiary.

Sec. 43. Section 3, chapter 148, Laws of 1973 and RCW 11.86.020 are each amended to read as follows:

A beneficiary may disclaim any interest in whole or in part, or with reference to specific parts, shares or assets thereof, ~~((by filing a disclaimer in court))~~ in the manner provided in RCW 11.86.030 and 11.86.040. A guardian, executor, administrator, attorney in fact under a durable power of attorney under chapter 11.94 RCW, or other personal representative of the estate of a minor, incompetent or deceased beneficiary, if he deems it in the best interests of those interested in the estate of such beneficiary and of those who take the beneficiary's interest by virtue of the disclaimer and not detrimental to the best interests of the beneficiary, with or without an order of the probate court, may ~~((execute and file a disclaimer))~~ disclaim on behalf of the beneficiary within the time and in the manner in which the beneficiary himself could disclaim if he were living, of legal age and competent. A beneficiary likewise may ~~((execute and file a disclaimer))~~ disclaim by agent or attorney so empowered.

Sec. 44. Section 4, chapter 148, Laws of 1973 and RCW 11.86.030 are each amended to read as follows:

Such disclaimer shall be filed and received as provided in RCW 11.86-.040 at any time after the creation of the interest, but in all events ~~((within the later of six months from June 7, 1973 or six))~~ by nine months after (1) the beneficiary attains the age of twenty-one, (2) the death of the person by whom the interest was created or from whom it is or, but for the disclaimer would be received, or, (3) if the disclaimant is not finally ascertained as a beneficiary or his interest has not become indefeasibly fixed both in quality and quantity as of the death of such person, then such disclaimer shall be filed and received not later than ((six)) nine months after the event which causes or, but for the disclaimer, would cause him so to become finally ascertained and his interest to become indefeasibly fixed both in quality and quantity, whichever occurrence is latest.

Sec. 45. Section 5, chapter 148, Laws of 1973 and RCW 11.86.040 are each amended to read as follows:

Such disclaimer shall be effective upon (1) a copy thereof being filed with the clerk of the court of which the estate of the person by whom the interest was created or from whom it would have been received is, or has been, administered or, if no probate administration has been commenced, then with the clerk of the court of any county provided by law as the place for probate administration of the estate of such person, where it shall be indexed under the name of the decedent in the probate index upon payment of a fee of two dollars~~((A copy of the disclaimer shall be delivered or mailed by certified or registered mail, return receipt requested to the representative, trustee or other person having legal title to, or possession of, the property in which the interest disclaimed exists, and))~~; and (2) receipt of the disclaimer by the transferor of the interest, his legal representative, or the holder of the legal title to the property to which the interest relates, or,

if the transferor is dead and there is no legal representative or holder of legal title, by the person having possession of the property. No such representative(~~(-trustee)~~) or person shall be liable for any otherwise proper distribution or other disposition made without actual knowledge of the disclaimer, or in reliance upon the disclaimer and without actual knowledge that said disclaimer is barred as provided in RCW 11.86.060. If an interest in or relating to real estate is disclaimed, the original of the disclaimer, or a copy of the disclaimer certified as true and complete by the clerk of the court wherein the same has been filed, shall be recorded in the office of the auditor in the county or counties where the real estate is situated and shall constitute notice to all persons only from and after the time of such recording.

Sec. 46. Section 6, chapter 148, Laws of 1973 and RCW 11.86.050 are each amended to read as follows:

Unless the person by whom the interest was created or from whom it would have been received has otherwise provided by will or other appropriate instrument with reference to the possibility of a disclaimer by the beneficiary, the interest disclaimed shall descend, be distributed or otherwise be disposed of in the same manner as if the disclaimant had died immediately preceding the ((~~death or other event which causes him to become finally ascertained as a beneficiary and his interest to become indefeasibly fixed both in quality and quantity~~) event giving rise to the commencement of the nine month period under RCW 11.86.030 in which the disclaimer must be filed, and ((in any case,)) the disclaimer shall relate for all purposes to such date, whether filed before or after such ((~~death or other~~) event. However, one disclaiming an interest ((in)), including a nonresiduary ((~~gift, devise or bequest~~) interest, shall not be ((~~excluded~~) precluded, unless his disclaimer so provides, from ((~~sharing in a gift, devise or bequest of the residue even though, through lapse, such residue includes the assets disclaimed~~) receiving or enjoying the benefit of the disclaimed interest or any portion of it by virtue of a residuary bequest or devise, or otherwise. An interest of any nature in or to the estate of an intestate may be declined, refused or disclaimed as herein provided without ever vesting in the disclaimant.

Sec. 47. Section 7, chapter 148, Laws of 1973 and RCW 11.86.060 are each amended to read as follows:

The right to disclaim otherwise conferred by this chapter shall be barred if the beneficiary is insolvent at the time of the event giving rise to the commencement of the ((~~six months~~) nine month period under RCW 11.86.030 within which the disclaimer must be filed. Any voluntary assignment or transfer of, or contract to assign or transfer, an interest in real or personal property, or written waiver of the right to disclaim the succession to an interest in real or personal property, by any beneficiary, or any sale or other disposition of an interest in real or personal property pursuant to judicial process, made before he has filed a disclaimer, as provided in RCW

11.86.040, bars the right otherwise conferred on such beneficiary to disclaim as to such interest.

Sec. 48. Section 8, chapter 148, Laws of 1973 and RCW 11.86.070 are each amended to read as follows:

The right to disclaim granted by RCW 11.86.020 exists regardless of any limitation imposed on the interest of the disclaimant in the nature of an express or implied spendthrift provision or similar restriction. A disclaimer, when filed and received as provided in RCW 11.86.040, or a written waiver of the right to disclaim, shall be binding upon the disclaimant or beneficiary so waiving and all parties thereafter claiming by, through or under him, except that a beneficiary so waiving may thereafter transfer, assign or release his interest if such is not prohibited by an express or implied spendthrift provision.

NEW SECTION. Sec. 49. There is added to chapter 11.86 RCW a new section to read as follows:

If a beneficiary disclaims an interest under this chapter more than nine months after the date of death of the transferor of the interest, there shall be no recalculation of the inheritance tax with respect to the deceased transferor.

Sec. 50. Section 48, chapter 26, Laws of 1967 ex. sess. as amended by section 3, chapter 158, Laws of 1975 1st ex. sess. and RCW 82.03.190 are each amended to read as follows:

Any person having received notice of a denial of a petition or a notice of determination made under RCW 82.32.160 (~~and~~), 82.32.170, section 37 of this 1979 act, or RCW ... (section 12, chapter ... (SB 2182), Laws of 1979) may appeal, within thirty days from the date of the notice of such denial or determination, to the board of tax appeals. In the notice of appeal the taxpayer shall set forth the amount of the tax which he contends should be reduced or refunded and the reasons for such reduction or refund, in accordance with rules of practice and procedure prescribed by the board. The appeal shall be perfected by serving a copy of the notice of appeal upon the department of revenue within the time specified herein and by filing the original thereof with proof of service with the clerk of the board: PROVIDED, HOWEVER, That if the notice of appeal relates to an application made to the department of revenue under chapter 82.34 RCW, the taxpayer shall set forth the amount to which the taxpayer claims the credit or exemption should apply, and the grounds for such contention, in accordance with rules of practice and procedure prescribed by the board. If the taxpayer intends that the hearing before the board be held pursuant to the administrative procedure act (chapter 34.04 RCW), the notice of appeal shall also

so state. In the event that the notice of appeal does not so state, the department may, within ten days from the date of its receipt of the notice of appeal, file with the clerk of the board notice of its intention that the hearing be held pursuant to the administrative procedure act.

NEW SECTION. Sec. 51. There is added to chapter 83.24 RCW a new section to read as follows:

Any person aggrieved by the determination of the tax by the department of revenue pursuant to RCW 83.24.010 may file an appeal with the board of tax appeals as provided in RCW 82.03.190. A person not electing to appeal to the board of tax appeals may file a petition in superior court as provided in RCW 83.24.020.

NEW SECTION. Sec. 52. 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; shall take effect immediately; and shall be effective with respect to persons dying after the effective date of this act.

NEW SECTION. Sec. 53. 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. 54. The following acts or parts of acts are each hereby repealed:

- (1) Section 83.04.050, chapter 15, Laws of 1961 and RCW 83.04.050;
- (2) Section 83.08.020, chapter 15, Laws of 1961 and RCW 83.08.020;
- (3) Section 83.08.030, chapter 15, Laws of 1961 and RCW 83.08.030;
- (4) Section 83.08.040, chapter 15, Laws of 1961 and RCW 83.08.040;
- (5) Section 1, chapter 11, Laws of 1963 ex. sess. and RCW 83.20.020;
- (6) Section 1, chapter 8, Laws of 1965 ex. sess., section 6, chapter 149, Laws of 1973 1st ex. sess., section 1, chapter 221, Laws of 1973 1st ex. sess. and RCW 83.20.030;
- (7) Section 2, chapter 221, Laws of 1973 1st ex. sess. and RCW 83.20.040; and
- (8) Section 83.44.020, chapter 15, Laws of 1961 and RCW 83.44.020.

Passed the Senate May 24, 1979.

Passed the House May 15, 1979.

Approved by the Governor May 29, 1979.

Filed in Office of Secretary of State May 29, 1979.

CHAPTER 210
[Substitute Senate Bill No. 2182]
GIFT TAXES

AN ACT Relating to gift taxes; adding a new chapter to Title 83 RCW; repealing section 83.56.005, chapter 15, Laws of 1961 and RCW 83.56.005; repealing section 83.56.010, chapter 15, Laws of 1961 and RCW 83.56.010; repealing section 83.56.020, chapter 15, Laws of 1961 and RCW 83.56.020; repealing section 83.56.030, chapter 15, Laws of 1961, section 2, chapter 274, Laws of 1969 ex. sess. and RCW 83.56.030; repealing section 83.56.040, chapter 15, Laws of 1961 and RCW 83.56.040; repealing section 83.56.050, chapter 15, Laws of 1961, section 1, chapter 67, Laws of 1965 ex. sess., section 69, chapter 292, Laws of 1971 ex. sess., section 1, chapter 146, Laws of 1973 1st ex. sess. and RCW 83.56.050; repealing section 83.56.060, chapter 15, Laws of 1961 and RCW 83.56.060; repealing section 83.56.070, chapter 15, Laws of 1961 and RCW 83.56.070; repealing section 83.56.080, chapter 15, Laws of 1961, section 125, chapter 278, Laws of 1975 1st ex. sess. and RCW 83.56.080; repealing section 83.56.090, chapter 15, Laws of 1961, section 126, chapter 278, Laws of 1975 1st ex. sess. and RCW 83.56.090; repealing section 83.56.100, chapter 15, Laws of 1961, section 127, chapter 278, Laws of 1975 1st ex. sess. and RCW 83.56.100; repealing section 83.56.110, chapter 15, Laws of 1961, section 128, chapter 278, Laws of 1975 1st ex. sess. and RCW 83.56.110; repealing section 83.56.120, chapter 15, Laws of 1961 and RCW 83.56.120; repealing section 83.56.130, chapter 15, Laws of 1961, section 129, chapter 278, Laws of 1975 1st ex. sess. and RCW 83.56.130; repealing section 83.56.140, chapter 15, Laws of 1961, section 130, chapter 278, Laws of 1975 1st ex. sess. and RCW 83.56.140; repealing section 83.56.150, chapter 15, Laws of 1961, section 131, chapter 278, Laws of 1975 1st ex. sess. and RCW 83.56.150; repealing section 83.56.160, chapter 15, Laws of 1961, section 151, chapter 81, Laws of 1971 and RCW 83.56.160; repealing section 83.56.170, chapter 15, Laws of 1961, section 132, chapter 278, Laws of 1975 1st ex. sess. and RCW 83.56.170; repealing section 83.56.180, chapter 15, Laws of 1961, section 133, chapter 278, Laws of 1975 1st ex. sess. and RCW 83.56.180; repealing section 83.56.190, chapter 15, Laws of 1961 and RCW 83.56.190; repealing section 83.56.200, chapter 15, Laws of 1961, section 134, chapter 278, Laws of 1975 1st ex. sess. and RCW 83.56.200; repealing section 83.56.210, chapter 15, Laws of 1961, section 135, chapter 278, Laws of 1975 1st ex. sess. and RCW 83.56.210; repealing section 83.56.220, chapter 15, Laws of 1961, section 136, chapter 278, Laws of 1975 1st ex. sess. and RCW 83.56.220; repealing section 83.56.230, chapter 15, Laws of 1961 and RCW 83.56.230; repealing section 83.56.240, chapter 15, Laws of 1961, section 137, chapter 278, Laws of 1975 1st ex. sess. and RCW 83.56.240; repealing section 83.56.250, chapter 15, Laws of 1961, section 138, chapter 278, Laws of 1975 1st ex. sess. and RCW 83.56.250; repealing section 83.56.270, chapter 15, Laws of 1961, section 139, chapter 278, Laws of 1975 1st ex. sess. and RCW 83.56.270; repealing section 83.56.280, chapter 15, Laws of 1961, section 140, chapter 278, Laws of 1975 1st ex. sess. and RCW 83.56.280; repealing section 83.56.290, chapter 15, Laws of 1961 and RCW 83.56.290; repealing section 83.56.300, chapter 15, Laws of 1961 and RCW 83.56.300; repealing section 83.56.310, chapter 15, Laws of 1961, section 141, chapter 278, Laws of 1975 1st ex. sess. and RCW 83.56.310; repealing section 83.56.320, chapter 15, Laws of 1961, section 142, chapter 278, Laws of 1975 1st ex. sess. and RCW 83.56.320; repealing section 83.56.900, chapter 15, Laws of 1961 and RCW 83.56.900; prescribing penalties; and prescribing an effective date.

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

NEW SECTION. Section 1. As used in this chapter:

- (1) "Gift" means any voluntary transfer of property by an individual without adequate and full consideration in money or money's worth.
- (2) "Donor" means any individual who makes a voluntary transfer of property without adequate and full consideration in money or money's worth.
- (3) "Donee" means any beneficiary, whether a person or a body politic or corporate, to whom or for whose use or benefit a gift is made by a donor.
- (4) "Department" means the department of revenue of the state of Washington.
- (5) "Class A donee" means a donee who is:

- (a) Donor's lineal ancestor;
- (b) Donor's lineal descendant including stepchildren and their lineal descendants and adopted persons and their lineal descendants if, in the case of adopted persons, the decree of adoption was either (i) entered before the effective date of this act or before the eighteenth birthday of the adopted person or (ii) entered more than five years prior to the date of the gift if the decree of adoption was entered on or after the eighteenth birthday of the adopted person;
- (c) Donor's spouse; or
- (d) A spouse of a lineal descendant of the donor.
- (6) "Class B donee" is a donee who is a brother or sister of the donor, or a lineal descendant of a brother or sister of the donor.
- (7) "Class C donee" is a donee other than a class A donee or a class B donee.
- (8) "Taxable gift" is the total amount of gifts made during the calendar year less the annual exclusion provided for in section 4(1) of this act and less the deductions provided for in section 7 of this act.
- (9) "Calendar year" includes only the calendar year 1941 and succeeding calendar years, and in the case of the calendar year 1941, includes only the portion of the year after March 21, 1941.
- (10) "Preceding calendar years" means the calendar year 1941 and all calendar years intervening between the calendar year 1941 and the calendar year for which the tax is being computed.

NEW SECTION. Sec. 2. (1) For the calendar year, a tax, computed as provided in section 3 of this act, is hereby imposed on the privilege of transferring property by gift during the calendar year.

(2) The tax imposed by this section applies whether the transfer is in trust or otherwise, whether the gift is direct or indirect, and whether the property is real or personal, tangible or intangible. As to a donor residing in this state, the tax applies to the transfer by gift of all property except property, real or tangible personal, permanently located (having situs) outside this state. As to a nonresident donor, the tax applies only if the property is real or tangible personal, permanently located (having situs) within this state.

(3) This chapter does not apply to any transfer in trust or otherwise in which the donor, either alone or acting with any person who does not possess a substantial adverse interest in the property transferred, has retained the power to revest in the donor the property transferred or the rents, profits and issue thereof, but the relinquishment or termination of the power (other than the donor's death) shall be considered to be a transfer by the donor by gift of the property subject to the power. Any payment of the rents, profits, and issue of the property transferred to a beneficiary other than the donor shall be considered to be a transfer by the donor of the income by gift.

NEW SECTION. Sec. 3. (1) The tax imposed by section 2 of this act for each calendar year shall be an amount equal to:

(a) A tax computed in accordance with the rate schedules set forth in this section, on the aggregate sum of taxable gifts for the calendar year and for each of the preceding calendar years, less:

(b) A tax, computed in accordance with the following rate schedules, on the aggregate sum of the taxable gifts for each of the preceding calendar years.

(2) The tax on gifts to class A donees shall be the amount of tax computed at the following rates:

If taxable gifts are:	The tax is the sum of:
Up to an including \$25,000	1%
Over \$25,000, but not over \$50,000	2%
Over \$50,000, but not over \$75,000	3%
Over \$75,000, but not over \$100,000	4%
Over \$100,000, but not over \$200,000	7%
Over \$200,000, but not over \$500,000	9%
Over \$500,000	10%

(3) Forty thousand dollars of any amount passing to class A is exempt, and the exemption shall be computed by taking a five hundred fifty dollar credit against the total tax. The exemption shall be applied to that portion of the total amount passing to class A which is taxable at the lowest rates.

(4) The tax on gifts to class B donees shall be the amount of tax computed at the following rates:

If taxable gifts are:	The tax is the sum of:
Not over \$10,000	3%
Over \$10,000, but not over \$20,000	4%
Over \$20,000, but not over \$60,000	7%
Over \$60,000, but not over \$100,000	10%
Over \$100,000, but not over \$200,000	15%
Over \$200,000	20%

(5) The tax on gifts to class C donees shall be the amount of tax computed at the following rates:

If taxable gifts are:	The tax is the sum of:
Not over \$20,000	10%
Over \$20,000, but not over \$50,000	15%
Over \$50,000, but not over \$100,000	20%
Over \$100,000	25%

(6) Any gift of property or income therefrom passing in trust shall be classified in accordance with the relationship of the donor to the trust beneficiary.

NEW SECTION. Sec. 4. (1) In the case of gifts (other than gifts of future interests in property) made to any donee by the donor during the calendar year, the first three thousand dollars of the gifts to the donee shall not, for the purpose of this chapter, be included in the total amount of gifts made during the year.

(2) No part of a gift to an individual who has not attained the age of twenty-one years on the date of the transfer shall be considered a gift of a future interest in property for the purposes of subsection (1) of this section if the property and the income therefrom:

(a) May be expended by or for the benefit of the donee before his attaining the age of twenty-one years; and

(b) Will to the extent not so expended:

(i) pass to the donee on his attaining the age of twenty-one years; and

(ii) in the event the donee dies before attaining the age of twenty-one years, be payable to the estate of the donee, or as he may appoint under a general power of appointment.

NEW SECTION. Sec. 5. If the gift is made in property other than money, the amount thereof is its fair market value, less any encumbrance thereon at the time the gift is made. Where property is transferred for less than an adequate and full consideration in money or money's worth, the amount by which the value of the property exceeds the value of the consideration shall be deemed a gift and shall be included in computing the amount of gifts made during the calendar year. If the gift constitutes an annuity, a life estate, an estate for a term of years, a remainder, or a reversion, the value of the gift shall be computed in the same manner as provided by RCW 83.16.020.

NEW SECTION. Sec. 6. In case of (1) a transfer of community property, real or personal, tangible or intangible, by one spouse or by both spouses to a person other than a member of the community, or (2) a transfer of separate property, real or personal, tangible or intangible, by one spouse to a person other than the other spouse to which transfer the other spouse consents on the gift tax return of the donor, for the purpose of determining gift tax liability two gifts shall be deemed to have been made, one by each spouse and each for one-half of the whole value of the property transferred.

NEW SECTION. Sec. 7. In computing taxable gifts for any calendar year all gifts of property to or for the use of any of the following is exempt from gift tax:

(1) The United States of America;

(2) The state of Washington;

(3) A municipal or public corporation, school district, or any school or educational institution in this state supported by public funds in whole or in part;

(4) A trust, or a fraternal society, order, or association operating under the lodge system, exclusively for any religious, charitable, scientific, literary, educational, public or other like work, whether or not such work is to be carried on within this state; or

(5) A society, corporation, institution, organization or association exclusively engaged in or devoted to any religious, charitable, scientific, literary, educational, public, or other like work, no part of the net earnings of which inures to the benefit of any private stockholder or individual, whether or not it is organized under the laws of this state or engaged in this work in the state.

No exemption is allowed under this section for any portion of a gift which is directed and used for the payment of any federal estate or gift tax or state inheritance or gift tax.

NEW SECTION. Sec. 8. (1) Any donor who within the calendar year makes any transfer by gift (except those which are not to be included, as set forth in section 4 of this act) shall make a return on a form prescribed by the department, which form shall set forth the name and address of the donor, the name and address of the donee, a description of the gift, the method by which the gift is valued and, if the gift is real property, the assessed valuation of the real property at the time the gift is made, and such other information as the department might reasonably require. The return shall be filed with the department on or before April 15 of the year following the calendar year in which the gift is made.

(2) The tax imposed by this chapter shall be paid by the donor to the department on or before April 15 following the close of the calendar year in which the gift is made. All moneys paid to the department shall immediately be transmitted to the state treasurer and credited to the general fund.

(3) The department may require any person to make a return, render under oath such statements, or keep such records as the department may reasonably require to show whether such person is liable to tax under this chapter.

(4) The donor shall file with the department one copy of any corrected federal gift tax return setting forth the total amount of federal gift tax thereon, as finally determined by the federal government. A copy of the original federal gift tax return must be included with the corrected federal gift tax return when the latter is filed with the department.

(5) If by agreement of the donor and the federal government or by final determination in federal courts the value of any gift is increased above or decreased below the value originally reported for federal gift tax purposes, the corrected valuation shall be used for state gift tax purposes.

NEW SECTION. Sec. 9. (1) For purposes of this chapter, if a person disclaims an interest under chapter 11.86 RCW, this chapter shall apply with respect to the interest disclaimed as if the interest had never been transferred to the person.

(2) A person making a disclaimer shall provide the department with a copy of the disclaimer.

NEW SECTION. Sec. 10. (1) The exercise or nonexercise by an employee of an election or option whereby a payment will become payable to any beneficiary at or after the employee's death shall not be considered a transfer for gift tax purposes if the election or option is provided under:

(a) Any pension or retirement plan or system established for the benefit of its employees by the United States, by the state of Washington, or by any county, city, or other municipality or political subdivision of the state of Washington; or

(b) Any individual retirement account or any pension, profit-sharing, thrift, stock bonus, or similar trust or any retirement annuity contract established or purchased as part of or under a qualified benefit plan qualifying for income tax exemption under the Internal Revenue Code of 1954 of the United States.

(2) Any interest of the spouse of the employee covered by an account, plan, system, or retirement annuity contract as described in subsection (1) of this section as may become payable upon the death of the employee shall not be considered a transfer for gift tax purposes.

(3) In order for the gift to be exempt, the donor shall, upon request, provide to the inheritance tax division a certification from the employer, administrator, trustee, or custodian of the benefit plan that it is so qualified.

NEW SECTION. Sec. 11. There shall be no exemption or tax credit allowed where the donor was not a resident of a territory or state of the United States, the District of Columbia, or the Commonwealth of Puerto Rico and the property transferred is real property or tangible or intangible personal property, including certificates of stock, bonds, bills, notes, bank deposits, and other written evidence of intangible property which is physically situated within the state of Washington, or where the domicile of the debtor is in the state of Washington.

NEW SECTION. Sec. 12. (1) If the department determines that (a) a tax return of a donor is incorrect or (b) a donor has failed to file a return required under this chapter, the department shall send to the donor or his representative a computation letter in which the department sets forth its computation of the tax due and the method by which the tax is computed.

(2) At any time more than thirty days after the date of mailing the computation letter, the department may send its determination letter to the donor (and a copy to his representative, if any) in which the department sets forth its computation of tax due and the method by which the tax was computed, which letter may incorporate by reference the computation letter and any intervening letters from the department to the donor or his representative.

(3) If the donor disagrees with the statement of the tax due as set forth in the determination letter the donor may commence an action in the superior court within sixty days of the date of receipt of the determination letter (unless that sixty days is extended by written agreement) in the county in which the donor resides if a resident of this state or in Thurston county if not a resident of this state against the department in order to determine the tax liability and the amount thereof. Failure to commence the action within this period shall prohibit the donor from contesting the tax liability or the amount thereof in any subsequent proceeding of any nature or kind. The civil rules for superior court apply to these actions.

(4) If the donor fails to commence the action in superior court within the periods allowed in subsection (3) of this section, the amount set forth in the determination letter shall be conclusively presumed insofar as the donor is concerned to be the correct tax liability of the donor.

(5) The donor may waive the restrictions provided in this section on the assessment and collection of the whole or any part of the tax imposed by this chapter.

(6) At any time more than sixty days after the department has sent the determination letter to the donor but only within the time limit specified in section 15 of this act for sending a determination letter to the donor, the department may elect to enforce payment of the tax against the donee by sending its determination letter to the donee.

If the donee disagrees with the statement of the tax due as set forth in the determination letter the donee may commence an action in the superior court within sixty days of the date of the donee's receipt of the determination letter (unless that sixty days is extended by written agreement) in the county in which the donee resides if a resident of this state, or in Thurston county if not a resident of this state, against the department in order to determine the tax liability and the amount thereof. Failure to commence the action in superior court within this period shall prohibit the donee from contesting the tax liability or the amount thereof in any subsequent proceeding of any nature or kind. The civil rules for superior court apply to these actions.

(7) If the donee fails to commence the action within the periods allowed in subsection (6) of this section, the amount set forth in the determination letter shall be conclusively presumed, insofar as the donee is concerned, to be the correct tax liability of the donee.

(8) The donee may waive the restrictions provided in this section on the assessment and collection of the whole or any part of the tax imposed by this chapter.

(9) The burden of proving the date of receipt of the determination letter by either the donor or the donee shall be on the department.

NEW SECTION. Sec. 13. If the gift tax imposed by this chapter is not paid in full, the appeal period provided in section 12(3) of this act and, if

applicable, section 12(6) of this act has expired, and the amount of the tax liability is fixed, the department may file in the office of the clerk of the superior court of any county a notice of lien of tax against the donor and, if the department has elected to proceed against the donee under section 12(6) of this act, a notice of lien of tax against the donee; and thereupon the clerk shall enter in the judgment docket the name of the donor and, if applicable, the name of the donee, the amount of the tax due including interest to the date for which the lien is claimed and the date when the lien is filed. The lien shall have the same effect as a personal judgment and may be collected in the same manner as other judgments. Upon payment of the judgment in whole or in part the department shall satisfy the judgment to the extent so paid.

NEW SECTION. Sec. 14. Interest shall accrue upon any unpaid gift tax owed for the calendar year at the annual interest rate of eight percent, which interest shall commence on April 16 of the year following the year for which the gift tax liability was incurred. The department shall have no discretion to waive the imposition of any interest imposed by this chapter: **PROVIDED**, That in the event of litigation the court shall have the power to reduce or eliminate interest.

NEW SECTION. Sec. 15. The department shall mail the determination letter to the donor as provided in section 12(2) of this act as follows:

(1) If a return is timely filed, within three years after April 15 of the year the return is due;

(2) If a return is not timely filed, within three years of the date of filing of the return; or

(3) If no return has been filed, at any time after the return is due. No lien shall be filed nor shall any proceeding in court or otherwise be undertaken for the collection of the taxes unless the determination letter shall have been mailed as required by this section. The running of the statute of limitations provided in this subsection shall be suspended for the period during which the department is prohibited from action by any court of competent jurisdiction and for sixty days thereafter.

NEW SECTION. Sec. 16. (1) Where there has been an overpayment of the gift tax imposed by this chapter, the amount of the overpayment shall be credited against any gift tax then due from the person who paid the tax, and any balance shall be refunded by the state of Washington to the person who paid the tax.

(2) No credit or refund shall be allowed or made after two years from the time the tax is paid, from the date of notice of the completion of any federal audit concerning the gift, or from the date of notice of the completion of any state audit concerning the gift, whichever is latest, unless before the expiration of this period a written claim therefor is filed by the person entitled to the refund. The amount of the credit or refund shall not exceed

the portion of the tax paid during the three years immediately preceding the filing of the claim, or if no claim was filed, then during the three years immediately preceding the allowance of the credit or refund.

NEW SECTION. Sec. 17. In case of any failure to make and file a return required by this chapter within the time prescribed by law or by the department in pursuance of law, twenty-five percent of the tax shall be added to the tax, except that when a return is filed after this time and it is shown that the failure to file it was not due to wilful neglect, no addition shall be made to the tax. The amount so added to any tax shall be collected at the same time and in the same manner and as part of the tax unless the tax has been paid before the discovery of the neglect, in which case the amount so added shall be collected in the same manner as the tax.

NEW SECTION. Sec. 18. Every person who practices a fraud upon the state of Washington relating to the ascertainment, determination, or collection of any gift tax by misrepresentation or concealment of fact, whether as principal, agent, or accessory, either before or after the fact, shall be guilty of a gross misdemeanor.

NEW SECTION. Sec. 19. The department may prescribe needful rules and regulations in accordance with the provisions of the administrative procedure act, chapter 34.04 RCW.

NEW SECTION. Sec. 20. This chapter may be cited as the "Gift Tax Act of 1979".

NEW SECTION. Sec. 21. 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. 22. Sections 1 through 20 of this act shall constitute a new chapter in Title 83 RCW.

NEW SECTION. Sec. 23. The following acts or parts of acts are each repealed:

- (1) Section 83.56.005, chapter 15, Laws of 1961 and RCW 83.56.005;
- (2) Section 83.56.010, chapter 15, Laws of 1961 and RCW 83.56.010;
- (3) Section 83.56.020, chapter 15, Laws of 1961 and RCW 83.56.020;
- (4) Section 83.56.030, chapter 15, Laws of 1961, section 2, chapter 274, Laws of 1969 ex. sess. and RCW 83.56.030;
- (5) Section 83.56.040, chapter 15, Laws of 1961 and RCW 83.56.040;
- (6) Section 83.56.050, chapter 15, Laws of 1961, section 1, chapter 67, Laws of 1965 ex. sess., section 69, chapter 292, Laws of 1971 ex. sess., section 1, chapter 146, Laws of 1973 1st ex. sess. and RCW 83.56.050;
- (7) Section 83.56.060, chapter 15, Laws of 1961 and RCW 83.56.060;
- (8) Section 83.56.070, chapter 15, Laws of 1961 and RCW 83.56.070;

- (9) Section 83.56.080, chapter 15, Laws of 1961, section 125, chapter 278, Laws of 1975 1st ex. sess. and RCW 83.56.080;
- (10) Section 83.56.090, chapter 15, Laws of 1961, section 126, chapter 278, Laws of 1975 1st ex. sess. and RCW 83.56.090;
- (11) Section 83.56.100, chapter 15, Laws of 1961, section 127, chapter 278, Laws of 1975 1st ex. sess. and RCW 83.56.100;
- (12) Section 83.56.110, chapter 15, Laws of 1961, section 128, chapter 278, Laws of 1975 1st ex. sess. and RCW 83.56.110;
- (13) Section 83.56.120, chapter 15, Laws of 1961 and RCW 83.56.120;
- (14) Section 83.56.130, chapter 15, Laws of 1961, section 129, chapter 278, Laws of 1975 1st ex. sess. and RCW 83.56.130;
- (15) Section 83.56.140, chapter 15, Laws of 1961, section 130, chapter 278, Laws of 1975 1st ex. sess. and RCW 83.56.140;
- (16) Section 83.56.150, chapter 15, Laws of 1961, section 131, chapter 278, Laws of 1975 1st ex. sess. and RCW 83.56.150;
- (17) Section 83.56.160, chapter 15, Laws of 1961, section 151, chapter 81, Laws of 1971 and RCW 83.56.160;
- (18) Section 83.56.170, chapter 15, Laws of 1961, section 132, chapter 278, Laws of 1975 1st ex. sess. and RCW 83.56.170;
- (19) Section 83.56.180, chapter 15, Laws of 1961, section 133, chapter 278, Laws of 1975 1st ex. sess. and RCW 83.56.180;
- (20) Section 83.56.190, chapter 15, Laws of 1961 and RCW 83.56.190;
- (21) Section 83.56.200, chapter 15, Laws of 1961, section 134, chapter 278, Laws of 1975 1st ex. sess. and RCW 83.56.200;
- (22) Section 83.56.210, chapter 15, Laws of 1961, section 135, chapter 278, Laws of 1975 1st ex. sess. and RCW 83.56.210;
- (23) Section 83.56.220, chapter 15, Laws of 1961, section 136, chapter 278, Laws of 1975 1st ex. sess. and RCW 83.56.220;
- (24) Section 83.56.230, chapter 15, Laws of 1961 and RCW 83.56.230;
- (25) Section 83.56.240, chapter 15, Laws of 1961, section 137, chapter 278, Laws of 1975 1st ex. sess. and RCW 83.56.240;
- (26) Section 83.56.250, chapter 15, Laws of 1961, section 138, chapter 278, Laws of 1975 1st ex. sess. and RCW 83.56.250;
- (27) Section 83.56.270, chapter 15, Laws of 1961, section 139, chapter 278, Laws of 1975 1st ex. sess. and RCW 83.56.270;
- (28) Section 83.56.280, chapter 15, Laws of 1961, section 140, chapter 278, Laws of 1975 1st ex. sess. and RCW 83.56.280;
- (29) Section 83.56.290, chapter 15, Laws of 1961 and RCW 83.56.290;
- (30) Section 83.56.300, chapter 15, Laws of 1961 and RCW 83.56.300;
- (31) Section 83.56.310, chapter 15, Laws of 1961, section 141, chapter 278, Laws of 1975 1st ex. sess. and RCW 83.56.310;
- (32) Section 83.56.320, chapter 15, Laws of 1961, section 142, chapter 278, Laws of 1975 1st ex. sess. and RCW 83.56.320; and
- (33) Section 83.56.900, chapter 15, Laws of 1961 and RCW 83.56.900.

NEW SECTION. Sec. 24. This act shall take effect January 1, 1980, and shall be effective with respect to gifts made after December 31, 1979. The administrative provisions of sections 1 through 20 of this act shall apply to collections of taxes due on gifts made before January 1, 1980.

Passed the Senate May 24, 1979.

Passed the House May 14, 1979.

Approved by the Governor May 29, 1979.

Filed in Office of Secretary of State May 29, 1979.

CHAPTER 211

[Engrossed Substitute Senate Bill No. 2336]

NURSING HOMES—RESIDENT CARE, OPERATING STANDARDS

AN ACT Relating to resident care and nursing homes; amending section 8, chapter 117, Laws of 1951 and RCW 18.51.070; amending section 11, chapter 117, Laws of 1951 as amended by section 1, chapter 85, Laws of 1971 ex. sess. and RCW 18.51.100; amending section 12, chapter 117, Laws of 1951 and RCW 18.51.110; amending section 1, chapter 244, Laws of 1977 ex. sess. and RCW 18.51.310; adding a new chapter to Title 74 RCW; adding a new section to chapter 18.51 RCW; repealing section 10, chapter 117, Laws of 1951, section 6, chapter 160, Laws of 1953, section 2, chapter 213, Laws of 1975 1st ex. sess. and RCW 18.51.090; prescribing penalties; providing an effective date; and declaring an emergency.

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

NEW SECTION. Section 1. Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 1 through 62 of this act.

(1) "Department" means the department of social and health services and the department's employees.

(2) "Facility" refers to a nursing home as defined in RCW 18.51.010.

(3) "Licensed practical nurse" means a person licensed to practice practical nursing under chapter 18.78 RCW.

(4) "Medicaid" means Title XIX of the Social Security Act enacted by the social security amendments of 1965 (42 U.S.C. Sec. 1396; 79 Stat. 343), as amended.

(5) "Nursing care" means that care provided by a registered nurse, a licensed practical nurse, or a nursing assistant in the regular performance of their duties.

(6) "Qualified therapist" means:

(a) An activities specialist who has specialized education, training, or experience specified by the department.

(b) An audiologist who is eligible for a certificate of clinical competence in audiology or who has the equivalent education and clinical experience.

(c) A mental health professional as defined in chapter 71.05 RCW.

(d) A mental retardation professional who is a qualified therapist or a therapist approved by the department and has specialized training or one

year experience in treating or working with the mentally retarded or developmentally disabled.

(e) An occupational therapist who is a graduate of a program in occupational therapy or who has equivalent education or training.

(f) A physical therapist as defined in chapter 18.74 RCW.

(g) A social worker who is a graduate of a school of social work.

(h) A speech pathologist who is eligible for a certificate of clinical competence in speech pathology or who has equivalent education and clinical experience.

(7) "Registered nurse" means a person practicing nursing under chapter 18.88 RCW.

(8) "Resident" means an individual recipient of medical benefits pursuant to chapter 74.09 RCW, except as to sections 3 through 13 of this 1979 act which shall apply to all patients.

(9) "Physician's assistant" means a person practicing pursuant to chapters 18.57A and 18.71A RCW.

(10) "Nurse practitioner" means a person practicing such expanded acts of nursing as are authorized by the board of nursing pursuant to RCW 18.88.030.

NEW SECTION. Sec. 2. The standards in sections 3 through 57 of this 1979 act are the minimum standards for facilities receiving reimbursement under chapter ... (Senate Bill No. 2335), Laws of 1979: PROVIDED, HOWEVER, That sections 4, 14 through 28, 30, 36, 37, 38, 42 (2) (4) (5) (6) (7), 43(3), 45 (2) (3), 52, 53, 54, 57, and 58 of this act shall not apply to Christian Science sanatoria facilities operated and listed or certified by The First Church of Christ, Scientist, in Boston, Massachusetts.

NEW SECTION. Sec. 3. Each resident or guardian, if any, shall be fully informed and receive in writing the following:

- (1) The resident's rights and responsibilities in the facility;
- (2) Rules governing resident conduct;
- (3) Services available in the facility; and
- (4) Charges for services not included in the facility's basic daily rate or not paid by medicaid.

The facility shall provide this information before or at the time of admission and as changes occur during the resident's stay. The resident or legal guardian shall acknowledge in writing receipt of this information and any changes in the information.

NEW SECTION. Sec. 4. The facility shall insure that each resident and guardian, if any:

- (1) Is fully informed by a physician about his or her health and medical condition unless the physician decides that informing the resident is medically contraindicated and the physician documents this decision in the resident's record;

- (2) Has the opportunity to participate in his or her total care and treatment;
- (3) Has the opportunity to refuse treatment; and
- (4) Gives informed, written consent before participating in experimental research.

NEW SECTION. Sec. 5. (1) Residents shall be treated with consideration, respect, and full recognition of their dignity and individuality. Residents shall be encouraged and assisted in the exercise of their rights as residents of the facility and as citizens.

(2) A resident or guardian, if any, may submit complaints or recommendations concerning the policies of the facility to the staff and to outside representatives of the resident's choice. No facility may restrain, interfere, coerce, discriminate, or retaliate in any manner against a resident who submits a complaint or recommendation.

NEW SECTION. Sec. 6. The facility shall allow a resident or the resident's guardian to manage the resident's financial affairs. The facility may assist a resident in the management of his or her financial affairs if the resident requests assistance in writing and the facility complies with the record-keeping requirements of section 13 of this act and the provisions of chapter ... (Senate Bill No. 2335), Laws of 1979.

NEW SECTION. Sec. 7. Residents shall be given privacy during treatment and care of personal needs. Married residents shall be given privacy during visits with their spouses. If both husband and wife are residents of the facility, the facility shall permit the husband and wife to share a room, unless medically contraindicated.

NEW SECTION. Sec. 8. Residents' records, including information in an automatic data bank, shall be treated confidentially. The facility shall not release information from a resident's record to a person not otherwise authorized by law to receive the information without the resident's or the resident's guardian's written consent.

NEW SECTION. Sec. 9. No resident may be required to perform services for the facility; except that a resident may be required to perform work tasks specified or included in the comprehensive plan of care.

NEW SECTION. Sec. 10. The facility shall not open the personal mail that residents send or receive.

NEW SECTION. Sec. 11. Residents shall be allowed to communicate, associate, meet privately with individuals of their choice, and participate in social, religious, and community group activities unless this infringes on the rights of other residents.

NEW SECTION. Sec. 12. The facility shall allow residents to have personal possessions as space or security permits.

NEW SECTION. Sec. 13. The facility shall keep a current, written financial record for each resident. The record shall include written receipts for all personal possessions and funds received by or deposited with the facility and for all disbursements made to or for the resident. The resident or guardian and the resident's family shall have access to the financial record.

NEW SECTION. Sec. 14. The facility shall care for residents by providing residents with authorized medical services which shall include treatment, medication, and diet services, and any other services contained in the comprehensive plan of care or otherwise prescribed by the attending physician.

NEW SECTION. Sec. 15. (1) Under the attending physician's instructions, qualified staff will establish and maintain a comprehensive plan of care for each resident which shall be kept on file by the facility and be approved by the department. The comprehensive plan contains:

- (a) Goals for each resident to accomplish;
 - (b) An integrated program of treatment, therapies and activities to help each resident achieve those goals; and
 - (c) The persons responsible for carrying out the programs in the plan.
- (2) Qualified staff shall review the comprehensive plan of care at least quarterly.

NEW SECTION. Sec. 16. The facility shall provide the nursing care required for the classification given each resident. The nursing care shall help each resident to achieve and maintain the highest possible degree of function, self-care, and independence to the extent medically possible.

NEW SECTION. Sec. 17. (1) The facility shall provide rehabilitative services itself or arrange for the provision of rehabilitative services with qualified outside resources for each resident whose comprehensive plan of care requires the provision of rehabilitative services.

(2) The rehabilitative service personnel shall be qualified therapists, qualified therapists' assistants, or mental health professionals. Other support personnel under appropriate supervision may perform the duties of rehabilitative service personnel.

(3) The rehabilitative services shall be designed to maintain and improve the resident's ability to function independently; prevent, as much as possible, advancement of progressive disabilities; and restore maximum function.

NEW SECTION. Sec. 18. (1) The facility shall provide social services, or arrange for the provision of social services with qualified outside resources, for each resident whose comprehensive plan of care requires the provision of social services.

(2) The facility shall designate one staff member qualified by training or experience to be responsible for arranging for social services in the facility

or with qualified outside resources and integrating social services with other elements of the plan of care.

NEW SECTION. Sec. 19. The facility shall have an activities program designed to encourage each resident to maintain normal activity and help each resident return to self care. A staff member qualified by experience or training in directing group activities shall be responsible for the activities program. The facility shall provide adequate recreation areas with sufficient equipment and materials to support the program.

NEW SECTION. Sec. 20. The health care of each resident shall be under the continuing supervision of a physician. The physician, physician's assistant, or nurse practitioner shall see the resident whenever necessary, but not less than once every sixty days, unless the physician decides that it is not necessary to see the resident once every sixty days and a written report of the decision signed by the physician is included in the resident's record.

NEW SECTION. Sec. 21. The facility shall either employ a licensed pharmacist responsible for operating the facility's pharmacy or have a written agreement with a licensed pharmacist who will advise the facility on ordering, storage, administration, disposal, and recordkeeping of drugs and biologicals.

NEW SECTION. Sec. 22. (1) If the facility does not employ a qualified professional to furnish required services, the facility shall have a written contract with a qualified professional or agency outside the facility to furnish the required services. The terms of the contract, including terms about responsibilities, functions, and objectives, shall be specified. The contract shall be signed by the administrator, or the administrator's representative, and the qualified professional.

(2) Programs of self-administration of medications are to be implemented for all residents unless contraindicated in writing in the resident's records.

(3) All contracts for these services shall require the standards in sections 1 through 57 of this act to be met.

NEW SECTION. Sec. 23. (1) The resident's attending or staff physician shall order all medications for the resident. The order may be oral or written.

(2) An oral order shall be given only to a licensed nurse, pharmacist, or another physician. The oral order shall be recorded and signed immediately by the person receiving the order. The attending physician shall sign the record of the oral order in a manner consistent with good medical practice within forty-eight hours.

NEW SECTION. Sec. 24. (1) No staff member may administer any medication to a resident unless the staff member is licensed to administer medication.

(2) The facility may only allow a resident to give himself or herself medication with the attending physician's permission.

(3) Medication shall only be administered to or used by the resident for whom it is ordered.

NEW SECTION. Sec. 25. (1) When the physician's order for medication does not include a specific time limit or a specific number of dosages, the facility shall notify the physician that the medication will be stopped at a date certain unless the medication is ordered continued by the physician. The facility shall so notify the physician every thirty days.

(2) A facility for the developmentally disabled shall have an automatic stop order on all drugs, unless such stoppage will place the patient in jeopardy.

NEW SECTION. Sec. 26. (1) The facility shall store drugs under proper conditions of sanitation, temperature, light, moisture, ventilation, segregation, and security. Poisons, drugs used externally, and drugs taken internally shall be stored on separate shelves or in separate cabinets at all locations. When medication is stored in a refrigerator containing other items, the medication shall be kept in a separate compartment with proper security. All drugs shall be kept under lock and key unless an authorized individual is in attendance.

(2) The facility shall meet the drug security requirements of federal and state laws that apply to storerooms, pharmacies, and living units.

(3) If there is a drug storeroom separate from the pharmacy, the facility shall keep a perpetual inventory of receipts and issues of all drugs from that storeroom.

NEW SECTION. Sec. 27. Any drug that is discontinued or outdated and any container with a worn, illegible, or missing label shall be properly disposed.

NEW SECTION. Sec. 28. Medication errors and adverse drug reactions shall be recorded and reported immediately to the practitioner who ordered the drug. The facility shall report adverse drug reactions consistent with good medical practice.

NEW SECTION. Sec. 29. (1) The facility shall serve at least three meals, or their equivalent, daily at regular times with not more than fourteen hours between a substantial evening meal and breakfast on the following day and not less than ten hours between breakfast and a substantial evening meal on the same day.

(2) Food shall be procured, stored, transported, and prepared under sanitary conditions in compliance with state and local regulations.

(3) Food of an appropriate quantity at an appropriate temperature shall be served in a form consistent with the needs of the resident;

(4) Special eating equipment and utensils shall be provided for residents who need them; and

(5) Food served and uneaten shall be discarded.

NEW SECTION. Sec. 30. (1) The facility shall have a staff member trained or experienced in food management and nutrition responsible for planning menus that meet the requirements of subsection (2) of this section and supervising meal preparation and service to insure that the menu plan is followed.

(2) The menu plans shall follow the orders of the resident's physician.

(3) The facility shall:

- (a) Meet the nutritional needs of each resident;
- (b) Have menus written in advance;
- (c) Provide a variety of foods at each meal;
- (d) Provide daily and weekly variations in the menus; and
- (e) Adjust the menus for seasonal changes.

(4) If the facility has residents who require medically prescribed special diets, the menus for those residents shall be planned by a professionally qualified dietitian or reviewed and approved by the attending physician. The preparation and serving of meals shall be supervised to insure that the resident accepts the special diet.

NEW SECTION. Sec. 31. (1) A facility for the developmentally disabled shall have sufficient personnel in the dining rooms to supervise the residents, direct self-help dining skills, and to insure that each resident receives enough food.

(2) A facility for the developmentally disabled shall provide table service for all residents, including residents in wheelchairs, who are capable and willing to eat at tables.

NEW SECTION. Sec. 32. Facilities shall have effective sanitary procedures for the food preparation staff including procedures for cleaning food preparation equipment and food preparation areas.

NEW SECTION. Sec. 33. The facility shall store dry or staple food items at an appropriate height above the floor in a ventilated room not subject to sewage or waste water backflow or contamination by condensation, leakage, rodents or vermin. Perishable foods shall be stored at proper temperatures to conserve nutritive values.

NEW SECTION. Sec. 34. (1) The facility shall provide adequate, modern administrative support to efficiently meet the needs of residents and facilitate attainment of the facility's goals and objectives.

(2) The facility shall:

- (a) Document the purchasing process;
- (b) Adequately operate the inventory control system and stockroom;
- (c) Have appropriate storage facilities for all supplies and surplus equipment; and
- (d) Have enough trained and experienced personnel to do purchase, supply, and property control functions.

NEW SECTION. Sec. 35. The facility shall have and keep current an organization chart showing:

- (1) The major operating programs of the facility;
- (2) The staff divisions of the facility;
- (3) The administrative personnel in charge of the programs and divisions; and
- (4) The lines of authority, responsibility, and communication of administrative personnel.

NEW SECTION. Sec. 36. The facility shall have staff on duty twenty-four hours daily sufficient in number and qualifications to carry out the provisions of sections 1 through 57 of this act and the policies, responsibilities, and programs of the facility.

NEW SECTION. Sec. 37. The facility shall have an administrator who is a licensed nursing home administrator under chapter 18.52 RCW. The administrator is responsible for managing the facility and implementing established policies and procedures.

NEW SECTION. Sec. 38. (1) The facility shall have a director of nursing services. The director of nursing services shall be a registered nurse.

- (2) The director of nursing services is responsible for:
 - (a) Coordinating the plan of care for each resident;
 - (b) Permitting only licensed personnel to administer medications; and
 - (c) Insuring that the licensed practical nurses comply with chapter 18.78 RCW and the registered nurses comply with chapter 18.88 RCW.

NEW SECTION. Sec. 39. The facility shall have a communication system, including telephone service, that insures prompt contact of on-duty personnel and prompt notification of responsible personnel in an emergency.

NEW SECTION. Sec. 40. The facility shall have sufficient trained and experienced personnel for necessary engineering and maintenance functions.

NEW SECTION. Sec. 41. The facility shall manage laundry services to meet the residents' daily clothing and linen needs. The facility shall have available at all times enough linen for the proper care and comfort of the residents.

NEW SECTION. Sec. 42. The facility shall maintain an organized record system containing a record for each resident. The record shall contain:

- (1) Identification information;
- (2) Admission information, including the resident's medical and social history;
- (3) A comprehensive plan of care and subsequent changes to the comprehensive plan of care;
- (4) Copies of initial and subsequent periodic examinations, assessments, evaluations, and progress notes made by the facility and the department;

(5) Descriptions of all treatments, services, and medications provided for the resident since the resident's admission;

(6) Information about all illnesses and injuries including information about the date, time, and action taken; and

(7) A discharge summary.

Resident records shall be available to the staff members directly involved with the resident and to appropriate representatives of the department. The facility shall protect resident records against destruction, loss, and unauthorized use. The facility shall keep a resident's record after the resident is discharged as provided in RCW 18.51.300.

NEW SECTION. Sec. 43. The facility shall develop written guidelines governing:

(1) All services provided by the facility;

(2) Admission, transfer or discharge;

(3) The use of chemical and physical restraints, the personnel authorized to administer restraints in an emergency, and procedures for monitoring and controlling the use of the restraints;

(4) Procedures for receiving and responding to residents' complaints and recommendations;

(5) Access to, duplication of, and dissemination of information from the resident's record;

(6) Residents' rights, privileges, and duties;

(7) Procedures if the resident is adjudicated incompetent or incapable of understanding his or her rights and responsibilities;

(8) When to recommend initiation of guardianship proceedings to the department under chapter 11.88 RCW; and

(9) Emergencies;

(10) Procedures for isolation of residents with infectious diseases;

(11) Procedures for residents to refuse treatment and for the facility to document informed refusal.

The written guidelines shall be made available to the staff, residents, members of residents' families, and the public.

NEW SECTION. Sec. 44. The facility may only admit individuals when the facility's rated capacity will not be exceeded and when the facility has the capability to provide adequate treatment, therapy, and activities.

NEW SECTION. Sec. 45. (1) The facility shall admit as residents only those individuals whose needs can be met by:

(a) The facility;

(b) The facility cooperating with community resources; or

(c) The facility cooperating with other providers of care affiliated or under contract with the facility.

(2) The facility shall transfer a resident to a hospital or other appropriate facility when a change occurs in the resident's physical or mental condition that requires care or service that the facility cannot provide. The resident, the resident's guardian, if any, the resident's next of kin, the attending physician, and the department shall be consulted at least fifteen days before a transfer or discharge unless the resident is transferred under emergency circumstances. The department shall use casework services or other means to insure that adequate arrangements are made to meet the resident's needs.

(3) A resident shall be transferred or discharged only for medical reasons, the resident's welfare or request, the welfare of other residents, or nonpayment. A resident may not be discharged for nonpayment if the discharge would be prohibited by the medicaid program.

NEW SECTION. Sec. 46. The facility shall have a written staff organization plan and detailed written procedures to meet potential emergencies and disasters. The facility shall clearly communicate and periodically review the plan and procedures with the staff and residents. The plan and procedures shall be posted at suitable locations throughout the facility.

NEW SECTION. Sec. 47: No employee with symptoms of a communicable disease may work in a facility. The facility shall have written guidelines that will help enforce this section.

NEW SECTION. Sec. 48. The facility shall design and equip the resident living areas for the comfort and privacy of each resident.

NEW SECTION. Sec. 49. Each resident's room shall:

- (1) Be equipped with or conveniently located near toilet and bathing facilities;
- (2) Be at or above grade level;
- (3) Contain a suitable bed for each resident and other appropriate furniture;
- (4) Have closet space that provides security and privacy for clothing and personal belongings;
- (5) Contain no more than four beds;
- (6) Have adequate space for each resident; and
- (7) Be equipped with a device for calling the staff member on duty.

The department may waive the space and occupancy requirements of this section for an existing building constructed prior to the effective date of this 1979 act for as long as the department considers appropriate if the department finds that the requirements would result in unreasonable hardship on the facility, the waiver serves the particular needs of the residents, and the waiver does not adversely affect the health and safety of the residents.

NEW SECTION. Sec. 50. Toilet and bathing facilities shall be located in or near residents' rooms and shall be appropriate in number, size, and

design to meet the needs of the residents. The facility shall provide an adequate supply of hot water at all times for resident use. Plumbing shall be equipped with control valves that automatically regulate the temperature of the hot water used by residents.

NEW SECTION. Sec. 51. The facility shall provide one or more areas not used for corridor traffic for dining, recreation, and social activities. A multipurpose room may be used if it is large enough to accommodate all of the activities without the activities interfering with each other: **PROVIDED**, That the department may waive the provisions of this section for facilities constructed prior to the effective date of this 1979 act.

NEW SECTION. Sec. 52. The facility's therapy area shall be large enough and designed to accommodate the necessary equipment, conduct an examination, and provide treatment: **PROVIDED**, That developmentally disabled facilities shall not be subject to the provisions of this section if therapeutic services are obtained by contract with other facilities.

NEW SECTION. Sec. 53. The facility shall have isolation areas for residents with infectious diseases or make other provisions for isolating these residents.

NEW SECTION. Sec. 54. (1) The facility shall be accessible to and usable by all residents, personnel, and the public, including individuals with disabilities: **PROVIDED**, That no substantial structural changes shall be required in any facilities constructed prior to the effective date of this 1979 act.

(2) The facility shall meet the requirements of American National Standards Institute (ANSI) standard No. A117.1 (1961), or, if applicable, the requirements of chapter 70.92 RCW if the requirements are stricter than ANSI standard No. A117.1 (1961), unless the department waives the requirements of ANSI standard No. A117.1 (1961) under subsection (3) of this section.

(3) The department may waive, for as long as the department considers appropriate, provisions of ANSI standard No. A117.1 (1961) if:

(a) The construction plans for the facility or a part of the facility were approved by the department before March 18, 1974;

(b) The provisions would result in unreasonable hardship on the facility if strictly enforced; and

(c) The waiver does not adversely affect the health and safety of the residents.

NEW SECTION. Sec. 55. The facility shall have handrails that are firmly attached to the walls in all corridors used by residents: **PROVIDED**, That the department may waive the provisions of this section in developmentally disabled facilities.

NEW SECTION. Sec. 56. If a living unit of a facility for the developmentally disabled houses more than fifteen residents, the living unit shall have emergency lighting with automatic switches for stairs and exits.

NEW SECTION. Sec. 57. The facility shall meet all federal, state, and local laws, rules, regulations, and codes pertaining to health and safety.

NEW SECTION. Sec. 58. The department may deny, suspend, or revoke a license or provisional license or, in lieu thereof or in addition thereto, assess monetary penalties of a civil nature pursuant to the provisions of chapter 34.04 RCW not to exceed one thousand dollars for such violations when the department finds that the licensee, or any partner, officer, director, owner of five percent or more of the assets of the facility, or managing employee:

(1) Failed or refused to comply with the requirements of sections 1 through 57 of this act or the standards and rules established by the department under sections 1 through 57 of this act;

(2) Was the holder of a license issued under chapter 18.51 RCW, which was revoked for cause and never reissued by the department, or which license was suspended for cause and the terms of the suspension have not been fulfilled;

(3) Has knowingly or with reason to know made a false statement of a material fact in any records required under sections 1 through 57 of this act;

(4) Refused to allow representatives or agents of the department to inspect all books, records, and files required to be maintained under sections 1 through 57 of this act or any portion of the premises of the facility;

(5) Wilfully prevented, interfered with, or attempted to impede in any way the work of any authorized representative of the department and the lawful enforcement of any provision of sections 1 through 57 of this act; or

(6) Wilfully prevented or interfered with any representative of the department in the preservation of evidence of any violation of any of the provisions of sections 1 through 57 of this act or the standards and rules adopted pursuant to sections 1 through 57 of this act.

NEW SECTION. Sec. 59. (1) The department shall approve, within thirty days after each resident's admission to the facility, each resident's comprehensive plan of care.

(2) The department shall review the comprehensive plan of care for each resident at least annually thereafter.

(3) The facility shall submit any request to modify a resident's classification to the department for the department's approval. The approval shall not be given until the department has reviewed the resident.

NEW SECTION. Sec. 60. (1) In addition to the inspection required by chapter 18.51 RCW, the department shall inspect the facility for compliance with the standards in sections 1 through 57 of this act.

(2) If the facility has not complied with any of the standards in sections 1 through 57 of this act, the department shall notify the facility in writing that the facility is in noncompliance and describe the reasons for the facility's noncompliance. The notice shall inform the facility that, except for life-threatening situations which may be for a shorter period of time, the facility has three months from the date of notification to comply. The penalties in section 58 of this act may be imposed if, upon inspection after the three-month period, the department determines that the facility has not complied.

NEW SECTION. Sec. 61. The department shall assess the needs of each resident within thirty days after the resident's admission. The department shall use the patient assessment system developed under RCW 18.51-.310, as now or hereafter amended. Based upon the assessment of the resident's needs, the department shall assign each resident to a classification reflecting the level of care required by that resident. The classification system has at least five but not more than seven levels of care.

This section shall apply to developmentally disabled residents as a separate system.

NEW SECTION. Sec. 62. The department shall adopt rules pursuant to chapter 34.04 RCW necessary to carry out the policies and provisions of sections 1 through 57 of this act. The department shall amend or repeal any rules that are in conflict with sections 1 through 57 of this act.

NEW SECTION. Sec. 63. There is added to chapter 18.51 RCW a new section to read as follows:

The department shall make or cause to be made at least a yearly inspection of all nursing homes. Every inspection may include an inspection of every part of the premises and an examination of all records, methods of administration, the general and special dietary and the stores and methods of supply. Following such inspection or inspections, written notice of any violation of this law or the rules and regulations promulgated hereunder, shall be given the applicant or licensee and the department. The department may prescribe by regulations that any licensee or applicant desiring to make specified types of alterations or additions to its facilities or to construct new facilities shall, before commencing such alteration, addition or new construction, submit its plans and specifications therefor to the department for preliminary inspection and approval or recommendations with respect to compliance with the regulations and standards herein authorized.

Sec. 64. Section 8, chapter 117, Laws of 1951 and RCW 18.51.070 are each amended to read as follows:

The ((board)) department, after consultation with the ((advisory)) nursing home advisory council and the board of health, shall adopt, amend, and promulgate such rules, regulations, and standards with respect to all nursing homes to be licensed hereunder as may be designed to further the

accomplishment of the purposes of this chapter in promoting safe and adequate medical and nursing care of individuals in nursing homes and the sanitary, hygienic and safe conditions of the nursing home in the interest of public health, safety, and welfare.

Sec. 65. Section 11, chapter 117, Laws of 1951 as amended by section 1, chapter 85, Laws of 1971 ex. sess. and RCW 18.51.100 are each amended to read as follows:

The ~~((director))~~ governor shall appoint an ~~((advisory))~~ nursing home advisory council ~~((to consult with the department))~~. The council shall be comprised of ~~((the director who shall serve as chairman ex officio, and ten members and shall include one representative of each of the following organizations or groups except, that the Washington association of licensed nursing homes shall have three members: State medical association, state hospital association, state nurses association, department of social and health services, Washington state fire marshal, association of Washington cities, association of counties))~~:

(a) Five members of the general public who are not owners or employees of a nursing home or engaged by a nursing home. Of these five members, one shall be a representative of senior citizens, one shall be a representative of a health care consumer group, and one shall be a licensed certified public accountant;

(b) Three members who are nursing home operators, one of whom shall operate a nonprofit nursing home;

(c) One member of the association of nursing home administrators;

(d) One member of the state medical association; and

(e) One member of the state nurses association.

The governor shall choose one of the five members from the general public to be chairman of the advisory nursing home council. Each member of the council shall receive twenty-five dollars per day as compensation for each day spent upon official business of the council and travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. Each member shall hold office for a term of four years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term and the terms of office of the members first taking office shall expire, as designated at the time of appointment, two at the end of the first year, three at the end of the second year, three at the end of the third year, and two at the end of the fourth year after the date of appointment. Thereafter all appointments shall be for four years. The council shall meet as frequently as the chairman deems necessary, but not less than ~~((once))~~ quarterly each year. Upon request by four or more members, it shall be the duty of the chairman to call a meeting of the council.

Sec. 66. Section 12, chapter 117, Laws of 1951 and RCW 18.51.110 are each amended to read as follows:

The advisory nursing home council shall:

(1) Consult with the legislature and the department in matters of policy affecting administration of ~~((this chapter))~~ nursing homes, and in the development of rules, regulations, ~~((provided for hereunder))~~ pertaining to nursing homes; and

(2) Review and make recommendations with respect to rules, regulations, and standards ~~((authorized hereunder))~~ pertaining to nursing homes prior to their adoption and promulgation by the ~~((board))~~ department as specified herein.

Sec. 67. Section 1, chapter 244, Laws of 1977 ex. sess. and RCW 18-.51.310 are each amended to read as follows:

(1) No later than September 30, 1977, the secretary shall implement and operate a patient assessment system whereby the characteristics of patients supported by the department under RCW 74.09.120, as now or hereafter amended, shall be computerized for the purpose of setting appropriate levels of staffing and reimbursement for nursing homes in accordance with the documented needs of the client population in each home.

(2) No later than ~~((November 30, 1977))~~ December 31, 1980, the ~~((board of health))~~ department shall adopt revised licensing standards for nursing homes ~~((after the fiscal impact of each revised standard has been assessed by the department))~~. The licensing standards shall be suitable for(:

~~((a)))~~ implementing the civil penalty system authorized under this chapter(;

~~((b))~~ Identifying and measuring the outcomes of services delivered by the nursing home;

~~((c))~~ Assessing the fiscal impact on health care delivered under the licensing standards; and

~~((d))~~ Determining rates to meet client needs)) and chapter ... (Senate Bill No. 2335) Laws of 1979.

(3) ~~((No later than January 1, 1978, all payments made to nursing homes by the department shall meet the reasonable cost of:~~

~~((a))~~ Complying with the revised licensing standards;

~~((b))~~ Complying with federal standards; and

~~((c))~~ Meeting client needs;

~~as the reasonable costs are determined under federal regulations.))~~ The department, the board of health, the school of medicine, the University of Washington, and the schools of nursing within the state shall jointly submit to the legislature, not later than December 20, 1980, alternative methods of identifying and measuring the results of services delivered by the nursing home.

(4) No later than July 1, ~~((+1978))~~ 1980, the department shall adopt all those regulations which meet all conditions necessary to fully implement the

civil penalty system authorized by this chapter and chapter ... (Senate Bill No. 2335) Laws of 1979.

NEW SECTION. Sec. 68. Section 10, chapter 117, Laws of 1951, section 6, chapter 160, Laws of 1953, section 2, chapter 213, Laws of 1975 1st ex. sess. and RCW 18.51.090 are each repealed.

NEW SECTION. Sec. 69. 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. 70. If any part of this act is found to be in conflict with federal requirements which are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is hereby declared to be inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and such finding or determination shall not affect the operation of the remainder of this act in its application to the agencies concerned. The rules under this act shall meet federal requirements which are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. Sec. 71. Section 64 of this 1979 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. 72. Except for section 64 of this 1979 act, this 1979 act shall take effect on January 1, 1980.

NEW SECTION. Sec. 73. Sections 1 through 62, 69, and 70 of this 1979 act shall constitute a new chapter in Title 74 RCW.

Passed the Senate May 24, 1979.

Passed the House May 23, 1979.

Approved by the Governor May 30, 1979.

Filed in Office of Secretary of State May 30, 1979.

CHAPTER 212

[Engrossed Substitute Senate Bill No. 3034]

COLUMBIA RIVER TOLL BRIDGE, HORN RAPIDS—CONSTRUCTION, BONDS AUTHORIZATION—APPROPRIATION

AN ACT Relating to a toll bridge across the Columbia river in the vicinity of the Horn Rapids Road and a state highway connecting thereto; providing for the financing thereof by bonds and anticipation notes; amending section 47.56.220, chapter 13, Laws of 1961 as amended by section 8, chapter 131, Laws of 1979 and RCW 47.56.220; adding new sections to chapter 47.56 RCW; creating new sections; making an appropriation; and declaring an emergency.

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

NEW SECTION. Section 1. Subject to the provisions of sections 2, 3, and 4 of this 1979 act, the department of transportation is hereby authorized and directed to make all necessary surveys and to design and construct a toll bridge across the Columbia river. The approaches to the toll bridge shall extend from the bridge to George Washington Way on the west and from the bridge easterly to state route number 395 and southerly and easterly to state route number 182 on the east.

NEW SECTION. Sec. 2. If the transportation commission concludes that construction of a toll bridge across the Columbia river at North Richland in the vicinity of the Horn Rapids Road, including approaches, is economically feasible, the department is authorized to enter into agreements with Richland, Benton county, and Franklin county in accordance with section 3 of this 1979 act.

NEW SECTION. Sec. 3. The transportation commission shall not request the issuance of any bonds for the construction of the toll bridge and its approaches unless and until:

(1) Either Richland or Benton county separately or Richland and Benton county jointly agree with the department (a) to improve the Horn Rapids Road from state route number 240 to Stevens Drive to two-lane standards prescribed by the department; (b) to reconstruct the Horn Rapids Road from Stevens Drive to George Washington Way to four-lane standards prescribed by the department; (c) to maintain to standards prescribed by the department the improved and reconstructed sections of Horn Rapids Road so long as any bonds issued to pay for the construction of the toll bridge and its approaches remain outstanding; and (d) to such additional undertakings as the department deems necessary to assure adequate access to the toll bridge so long as any bonds are outstanding.

(2) Franklin county shall agree with the department (a) to reconstruct, by the year 1990, the approach from the east end of the toll bridge easterly to state route number 395 to four-lane standards prescribed by the department; or (b) as determined by the department, to reconstruct, by the year 1990, the approach from the east end of the toll bridge southerly and easterly to state route number 182 to four-lane standards prescribed by the department; and (c) to maintain to standards prescribed by the department the connecting roads to state route number 182 and to state route number 395 so long as any bonds issued to pay for the construction of the toll bridge and its approaches remain outstanding; and (d) to such additional undertakings as the department deems necessary to assure adequate access to the toll bridge so long as any bonds are outstanding.

NEW SECTION. Sec. 4. The transportation commission shall not request the issuance of any bonds for the construction of the toll bridge and its approaches until Benton and Franklin counties and Richland have

adopted specific and acceptable plans to assure the funding of their respective obligations as established by the agreements authorized in section 3 of this 1979 act.

NEW SECTION. Sec. 5. In order to facilitate the financing of the toll bridge the department, Benton and Franklin counties, and Richland may consult, cooperate, and enter into agreements with the government of the United States or any of its agencies and accept and expend money from any public or private source which is now or may be available to assist in the construction of the bridge.

NEW SECTION. Sec. 6. In order to provide funds for the construction of such bridge and approaches thereto, including but not limited to all costs of survey, acquisition of rights of way, design, engineering, and to pay the interest on the bonds when due during construction and for a period not exceeding six months thereafter, there shall be issued and sold general obligation bonds of the state of Washington in the principal amount of not to exceed seventy-five million dollars or such lesser amount thereof, at such times as may be determined to be necessary by the department of transportation.

NEW SECTION. Sec. 7. The issuance, sale, and retirement of said bonds shall be under the supervision and control of the state finance committee which, upon request being made by the department of transportation shall provide for the issuance, sale, and retirement of coupon or registered bonds to be dated, issued, and sold from time to time in such amounts as the department of transportation shall determine to be necessary to meet the purposes specified in section 6 of this 1979 act.

NEW SECTION. Sec. 8. Each of such bonds shall be made payable at any time not exceeding thirty years from the date of issuance. The state finance committee is authorized to prescribe the form, terms, conditions, and covenants of the bonds and/or bond anticipation notes provided for in this section, the time or times of sale of all or any portion of them, and the conditions and manner of their sale and issuance. The bonds shall be signed by the governor and the state treasurer under the seal of the state, one of which signatures shall be made manually and the other signature may be in printed facsimile, and any coupons attached to such bonds shall be signed by the same officers whose signatures thereon may be in printed facsimile. Any bonds may be registered in the name of the holder on presentation to the fiscal agency of the state of Washington in Seattle or New York City as to principal alone, or as to both principal and interest under such regulations as the state treasurer may prescribe. Such bonds shall be payable at such places as the state finance committee may provide. All bonds issued hereunder, unless registered, shall be fully negotiable instruments. The bonds shall be legal investments for all state funds or for funds under state control and all funds of municipal corporations.

At such time as a determination has been made to issue the general obligation bonds or a portion thereof as authorized in section 6 of this 1979 act, the state finance committee may, pending the issuance thereof, issue in the name of the state temporary notes in anticipation of the issuance of the bonds, which notes shall be designated as "bond anticipation notes." If, prior to the issuance of such bonds, it becomes necessary to redeem outstanding notes, additional bond anticipation notes may be issued to redeem such outstanding notes and to pay interest thereon. Such portion of the proceeds of the sale of the bonds as may be required for the payment of principal of and redemption premium, if any, and interest on the notes shall be applied thereto when the bonds are issued.

NEW SECTION. Sec. 9. Except for that portion of the proceeds required to pay bond anticipation notes under section 8 of this 1979 act, and except as provided in section 11 of this 1979 act, the money arising from the sale of said bonds shall be deposited in the state treasury to the credit of the Columbia river toll bridge account hereby created in the motor vehicle fund, and such money shall be available only for the purposes enumerated in section 6 of this 1979 act and for payment of the expense incurred in the issuance and sale of any such bonds.

NEW SECTION. Sec. 10. Bonds and bond anticipation notes issued under the provisions of sections 1 through 17 of this 1979 act shall distinctly 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 principal of and interest on such bonds shall be first payable in the manner provided in this act from the proceeds of state excise taxes on motor vehicles and special fuels imposed by chapters 82.36, 82.37, and 82.38 RCW and from the tolls and revenues derived from the operation of such toll bridge.

NEW SECTION. Sec. 11. There is hereby created in the highway bond retirement fund in the state treasury a special account to be known as the Columbia river toll bridge account into which shall be deposited any capitalized interest from the proceeds of the bonds, and at least monthly all of the tolls and other revenues received from the operation of the toll bridge and from any interest which may be earned from the deposit or investment of these revenues after the payment of costs of operation, maintenance, management, and necessary repairs of the facility. The principal of and interest on the bonds shall be paid first from money deposited in the Columbia river toll bridge account in the highway bond retirement fund, and then, to the extent that money deposited in that account is insufficient to make any such payment when due, from the state excise taxes on motor vehicle and special fuels deposited in the highway bond retirement fund.

There is hereby pledged the proceeds of state excise taxes on motor vehicle and special fuels imposed under chapters 82.36, 82.37, and 82.38 RCW to pay the bonds and interest thereon, and the legislature hereby agrees to continue to impose the same excise taxes on motor vehicle and special fuels in amounts sufficient to pay, when due, the principal and interest on the bonds if the money deposited in the Columbia river toll bridge account of the highway bond retirement fund is insufficient to make such payments. Not less than fifteen days prior to the date any interest or principal and interest payments are due, the state finance committee shall certify to the state treasurer such amount of additional moneys as may be required for debt service, and the treasurer shall thereupon transfer from the motor vehicle fund such amount from the proceeds of such excise taxes into the highway bond retirement fund. Any proceeds of such excise taxes required for these purposes shall first be taken from that portion of the motor vehicle fund which results from the imposition of the excise taxes on motor vehicle and special fuels and which is distributed to the state. If the proceeds from the excise taxes distributed to the state are ever insufficient to meet the required payments on principal or interest on the bonds when due, the amount required to make the payments on the principal or interest shall next be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle and special fuels and which is distributed to the state, counties, cities, and towns pursuant to RCW 46.68-.100 as now existing or hereafter amended. Any payments of the principal or interest taken from the motor vehicle or special fuel tax revenues which are distributable to the counties, cities, and towns shall be repaid from the first moneys distributed to the state not required for redemption of the bonds or interest thereon. The legislature covenants and pledges that it shall at all times provide sufficient revenues from the imposition of such excise taxes to pay the principal and interest due on the bonds.

NEW SECTION. Sec. 12. (1) The department of transportation is authorized to operate and assume full control of the bridge and shall fix and maintain the tolls and charges in the manner provided by RCW 47.56.240 so that when collected they will produce revenues sufficient to pay all expenses of operating, maintaining, managing, and repairing the toll bridge including all insurance costs and the amounts required to pay the principal and interest on the bonds when due and to satisfy the other obligations set forth in sections 1 through 17 of this 1979 act and RCW 47.56.220 as now or hereafter amended: **PROVIDED**, That revision of tolls and charges shall be determined by the department after considering the effect upon the traffic using the bridge and the projected revenues which will result from the increase of tolls and charges for the use of the bridge.

(2) To the extent that net revenues and income are insufficient to meet the required payments of principal and interest on bonds, the department

shall use moneys pledged from the motor vehicle fund as provided in section 11 of this 1979 act.

(3) The payment of the principal of and the interest on the bonds shall constitute a first direct and exclusive charge and lien on all such tolls and other revenues and interest thereon received from the use and operation of the Columbia river toll bridge, after the payment of all expenses of operating, maintaining, managing, and repairing the toll bridge, and such tolls and revenues together with interest earned thereon, and all other money deposited in the Columbia river toll bridge account in the highway bond redemption fund, shall constitute a trust fund for the security and payment of such bonds, or bonds refunding such bonds, and shall not be used or pledged for any other purpose as long as such bonds or any of them are outstanding and unpaid.

(4) The state finance committee may on behalf of the state make such covenants in connection with the bond proceedings or otherwise to assure the maintenance of the tolls and charges on the Columbia river toll bridge, the proper application thereof, the proper operation, maintenance, management, and repair of the bridge to provide for and secure the timely payment of the bonds. Such covenants shall be binding on the department of transportation and transportation commission.

NEW SECTION. Sec. 13. All tolls or other revenues received from the operation of the Columbia toll bridge constructed with the proceeds of bonds issued and sold hereunder shall be paid over by the department of transportation to the state treasurer who shall deposit the same forthwith as demand deposits in such depository or depositories as may be authorized by law to receive deposits of state funds to the credit of a special trust fund to be designated as the toll revenue fund of the Columbia river toll bridge, which fund shall be a trust fund and shall at all times be kept segregated and set apart from all other funds.

After provision has been made for payment of costs of operation, maintenance, management and necessary repairs of the facility, the surplus moneys available in the toll revenue fund, or so much thereof as may be required, shall be transferred monthly to the Columbia river toll bridge account of the highway bond retirement fund to pay the principal of and interest on the bonds authorized by section 6 of this 1979 act.

NEW SECTION. Sec. 14. Any moneys from the motor vehicle fund used by the department for payment of expenses of location, maintenance, repair, and operation of the bridge and approaches, and principal or interest on any bonds issued pursuant to section 6 of this 1979 act, or any subsequent refunding bond issue, shall be repaid to the motor vehicle fund from revenues of the project after all such bonds have been retired. Tolls shall be continued for any additional length of time necessary for this purpose.

NEW SECTION. Sec. 15. Except as otherwise provided by statute, the bonds issued under authority of section 6 of this 1979 act, the bonds authorized by RCW 47.60.560 through 47.60.640, the bonds authorized by chapter 5, Laws of 1979, and chapter 131, Laws of 1979, and any additional general obligation bonds of the state of Washington which may be authorized by the forty-sixth legislature or thereafter and which pledge motor vehicle and special fuel excise taxes for the payment of principal thereof and interest thereon shall be an equal charge and lien against the revenues from such motor vehicle and special fuel excise taxes.

NEW SECTION. Sec. 16. Upon the redemption of all bonds issued pursuant to section 6 of this 1979 act and the repayment of all other obligations to the motor vehicle fund as authorized by section 14 of this 1979 act, the department of transportation shall remove the tolls and transfer the bridge and its approaches to the city and/or counties having jurisdiction thereof, and the bridge and its approaches shall become a county road or in part a county road and in part a city street. The bridge, its approaches, and right of way shall be conveyed to the city or counties by deed executed by the secretary of transportation.

NEW SECTION. Sec. 17. Notwithstanding the provisions of RCW 47.56.220 as now or hereafter amended, the department may design and construct an additional bridge across the Columbia river in the vicinity of Columbia point.

NEW SECTION. Sec. 18. Sections 1 through 17 of this 1979 act shall be added to chapter 47.56 RCW.

Sec. 19. Section 47.56.220, chapter 13, Laws of 1961 as amended by section 8, chapter 131, Laws of 1979 and RCW 47.56.220 are each amended to read as follows:

Except as otherwise provided in RCW 47.56.291 (~~and section 4 of this 1979 act~~), 47.56... (section 4, chapter 131, Laws of 1979), 47.56.710, and section 17 of this 1979 act, as long as any of the bonds issued hereunder for the construction of any toll bridge are outstanding and unpaid, there shall not be erected, constructed, or maintained any other bridge or other crossing over, under, through, or across the waters over which such toll bridge is located or constructed, connecting or joining directly or indirectly the lands or extensions thereof or abutments thereon on both sides of the waters spanned or crossed by such toll bridge within a distance of ten miles from either side of such toll bridge excepting bridges or other highway crossings actually in existence and being maintained, or for which there was outstanding an existing and lawfully issued franchise, at the time of the location of such toll bridge and prior to the time of the authorization of such (~~revenue~~) bonds, and no ferry or other similar means of crossing the said waters within the said distance and connecting or plying directly or indirectly between the lands or extensions thereof or abutments thereon on both

sides of the waters spanned or crossed by such bridge shall be maintained or operated or permitted or allowed: PROVIDED, That ferries and other similar means of crossing actually in existence and being maintained and operated, or for which there was outstanding an existing and lawfully issued franchise, at the time of the location of such bridge and prior to the time of the authorization of such ((~~revenue~~)) bonds, may continue and be permitted to be operated and maintained under such existing rights and franchises, or any lawful renewal or extension thereof. The provisions of this section shall be binding upon the state department of transportation, the state of Washington, and all of its departments, agencies, or instrumentalities as well as any and all private, political, municipal, and public corporations and subdivisions, including cities, counties, and other political subdivisions, and the prohibitions of this section shall restrict and limit the powers of the legislature of the state of Washington in respect to the matters herein mentioned as long as any of such bonds are outstanding and unpaid and shall be deemed to constitute a contract to that effect for the benefit of the holders of all such bonds.

NEW SECTION. Sec. 20. There is appropriated from the motor vehicle fund to the department of transportation for the biennium ending June 30, 1981, the sum of one million dollars, or so much thereof as may be necessary for the purpose of surveys, location, design, right of way, and all other things preliminary to the construction of the bridge and its approaches. All funds expended from this appropriation shall be considered a loan and shall be repaid to the motor vehicle fund upon the sale of bonds for this project.

NEW SECTION. Sec. 21. 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. 22. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate May 24, 1979.

Passed the House May 15, 1979.

Approved by the Governor May 30, 1979.

Filed in Office of Secretary of State May 30, 1979.

CHAPTER 213

[Substitute Senate Bill No. 2097]

MOPEDS

AN ACT Relating to mopeds; amending section 46.04.330, chapter 12, Laws of 1961 and RCW 46.04.330; amending section 28, chapter 154, Laws of 1963 and RCW 46.04.332;

amending section 46.04.670, chapter 12, Laws of 1961 and RCW 46.04.670; amending section 1, chapter 232, Laws of 1967 and RCW 46.20.500; amending section 46.44.050, chapter 12, Laws of 1961 as amended by section 12, chapter 64, Laws of 1975-'76 2nd ex. sess. and RCW 46.44.050; adding a new section to chapter 46.04 RCW; adding a new section to chapter 46.16 RCW; and adding new sections to chapter 46.61 RCW.

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

NEW SECTION. Section 1. There is added to chapter 46.04 RCW a new section to read as follows:

"Moped" means any two-wheeled or three-wheeled device having fully operative pedals for propulsion by human power and a motor with a cylinder displacement not exceeding fifty cubic centimeters which produces no more than two gross brake horsepower (developed by a prime mover, as measured by a brake applied to the driving shaft) and is capable of propelling the device at a maximum speed of not more than thirty miles per hour on level ground, and the wheels of which are at least sixteen inches in diameter.

The state commission on equipment may approve of and define as a "moped" a vehicle which fails to meet these specific criteria, but which is essentially similar in performance and application to vehicles which do meet these specific criteria.

Sec. 2. Section 46.04.330, chapter 12, Laws of 1961 and RCW 46.04-.330 are each amended to read as follows:

"Motorcycle" means every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a farm tractor and a moped.

Sec. 3. Section 28, chapter 154, Laws of 1963 and RCW 46.04.332 are each amended to read as follows:

"Motor-driven cycle" means every motorcycle, including every motor scooter, with a motor which produces not to exceed five brake horsepower (developed by a prime mover, as measured by a brake applied to the driving shaft)((~~and every bicycle with motor attached~~)). A motor driven cycle does not include a moped.

Sec. 4. Section 46.04.670, chapter 12, Laws of 1961 and RCW 46.04-.670 are each amended to read as follows:

"Vehicle" includes every device capable of being moved upon a public highway and in, upon, or by which any persons or property is or may be transported or drawn upon a public highway, excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks, except that mopeds shall be considered vehicles or motor vehicles for the purposes of chapter 46.12 RCW, but not for the purposes of chapter 46.70 RCW.

NEW SECTION. Sec. 5. There is added to chapter 46.16 RCW a new section to read as follows:

Application for registration of a moped shall be made to the department of licensing in such manner and upon such forms as the department shall prescribe, and shall state the name and address of each owner of the moped to be registered, the vehicle identification number, and such other information as the department may require, and shall be accompanied by a registration fee of three dollars. Upon receipt of the application and the application fee, the moped shall be registered and a registration number assigned, which shall be affixed to the moped in the manner as provided by rules adopted by the department. The registration provided in this section shall be valid for a period of twelve months.

Every owner of a moped in this state shall renew the registration, in such manner as the department shall prescribe, for an additional period of twelve months, upon payment of a renewal fee of three dollars.

Any person acquiring a moped already validly registered must, within fifteen days of the acquisition or purchase of the moped, make application to the department for transfer of the registration, and the application shall be accompanied by a transfer fee of one dollar.

The registration fees provided in this section shall be in lieu of any personal property tax or the vehicle excise tax imposed by chapter 82.44 RCW.

The department shall, at the time the registration number is assigned, make available a decal or other identifying device to be displayed on the moped. A fee of one dollar and fifty cents shall be charged for the decal or other identifying device.

The provisions of RCW 46.01.130 and 46.01.140 shall apply to applications for the issuance of registration numbers or renewals or transfers thereof for mopeds as they do to the issuance of vehicle licenses, the appointment of agents, and the collection of application fees. Except for the fee collected pursuant to RCW 46.01.140, all fees collected under this section shall be deposited in the motor vehicle fund.

Sec. 6. Section 1, chapter 232, Laws of 1967 and RCW 46.20.500 are each amended to read as follows:

No person shall drive a motorcycle, as defined in RCW 46.04.330, or a motor-driven cycle, as defined in RCW 46.04.332 as now or hereafter amended, unless such person has a valid driver's license specially endorsed by the director to enable the holder to drive such vehicles: **PROVIDED, That any person sixteen years of age or older, holding a valid driver's license of any class issued by the state of the person's residence, may operate a moped without taking any special examination for the operation of a moped.**

Sec. 7. Section 46.44.050, chapter 12, Laws of 1961 as amended by section 12, chapter 64, Laws of 1975-'76 2nd ex. sess. and RCW 46.44.050 are each amended to read as follows:

It shall be unlawful to operate any vehicle upon public highways with a wheelbase between any two axles thereof of less than three feet, six inches

when weight exceeds that allowed for one axle under RCW 46.44.042 or 46.44.041. It shall be unlawful to operate any motor vehicle upon the public highways of this state with a wheelbase between the frontmost axle and the rearmost axle of less than three feet, six inches; PROVIDED, That the minimum wheelbase for mopeds is thirty-eight inches.

For the purposes of this section, wheelbase shall be measured upon a straight line from center to center of the vehicle axles designated.

NEW SECTION. Sec. 8. There is added to chapter 46.61 RCW a new section to read as follows:

(1) No person shall operate a moped upon the highways of this state unless the moped has been assigned a moped registration number and displays a moped permit in accordance with the provisions of section 5 of this 1979 act.

(2) Notwithstanding any other provision of law, a moped may not be operated on a bicycle path or trail, bikeway, equestrian trail, or hiking or recreational trail.

(3) Operation of a moped on a fully controlled limited access highway or on a sidewalk is unlawful.

(4) Removal of any muffling device or pollution control device from a moped is unlawful.

NEW SECTION. Sec. 9. There is added to chapter 46.61 RCW a new section to read as follows:

Mopeds shall comply with those federal motor vehicle safety standards established under the national traffic vehicle safety act of 1966 (15 U.S.C. Sec. 1381, et. seq.) which are applicable to a motor-driven cycle, as that term is defined in such federal standards.

Passed the Senate May 25, 1979.

Passed the House April 27, 1979.

Approved by the Governor June 4, 1979.

Filed in Office of Secretary of State June 4, 1979.

CHAPTER 214

[Substitute Senate Bill No. 2374]

RESIDENTIAL PROPERTY TAX EXEMPTION, DEFERRAL—ASSESSMENT VALUATION

AN ACT Relating to revenue and taxation; amending section 1, chapter 182, Laws of 1974 ex. sess. as last amended by section 1, chapter 268, Laws of 1977 ex. sess. and RCW 84.36.381; amending section 2, chapter 182, Laws of 1974 ex. sess. as amended by section 15, chapter 291, Laws of 1975 1st ex. sess. and RCW 84.36.383; amending section 3, chapter 182, Laws of 1974 ex. sess. as amended by section 2, chapter 268, Laws of 1977 ex. sess. and RCW 84.36.385; amending section 5, chapter 182, Laws of 1974 ex. sess. and RCW 84.36.389; amending section 27, chapter 291, Laws of 1975 1st ex. sess. and RCW 84.38.020; amending section 28, chapter 291, Laws of 1975 1st ex. sess. and RCW 84.38.030; amending section 29, chapter 291, Laws of 1975 1st ex. sess. and RCW 84.38.040; amending section 30, chapter 291, Laws of 1975 1st ex. sess. and RCW 84.38.050;

amending section 2, chapter 131, Laws of 1974 ex. sess. and RCW 84.41.041; creating a new section; prescribing penalties; and declaring an emergency.

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

Section 1. Section 1, chapter 182, Laws of 1974 ex. sess. as last amended by section 1, chapter 268, Laws of 1977 ex. sess. and RCW 84.36.381 are each amended to read as follows:

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: **PROVIDED FURTHER**, That confinement of the person to a hospital or nursing home shall not disqualify the claim of exemption if the residence is temporarily unoccupied or if the residence is occupied by a spouse and/or a person financially dependent on the claimant for support;

(2) The person claiming the exemption must have owned, at the time of filing, in fee, as a life estate, or by contract purchase, the residence on which the property taxes have been imposed or if the person claiming the exemption lives in a cooperative housing association, corporation, or partnership, such person must own a share therein representing the unit or portion of the structure in which he or she resides. For purposes of this subsection, a residence owned by a marital community or owned by cotenants shall be deemed to be owned by each spouse or cotenant;

(3) The person claiming the exemption must have been ~~((sixty-two))~~ sixty-one 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: **PROVIDED**, That any surviving spouse of a person who was receiving an exemption at the time of the person's death shall qualify if the surviving spouse is fifty-seven years of age or older and otherwise meets the requirements of this section;

(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, and any cotenant occupying the residence for the preceding calendar year(~~(, in accordance with the following schedule:~~

Income	Percentage of Excess
Range	Levies Exemption
\$7,000 or less	One hundred percent
\$7,001-\$8,000	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 six thousand dollars 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)). If the person claiming the exemption was retired for two months or more of the preceding year, the combined income of such person, his or her spouse, and any cotenant occupying the residence shall be calculated by multiplying the average monthly income of such person, his or her spouse, and any cotenant occupying the residence during the months such person was retired by twelve. 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(~~~~(: AND PROVIDED FURTHER, That)).~~ The gain realized by any person from the sale, transfer, or upon being displaced from his or her residence shall not be considered as income for the purposes of this section if reinvested in a replacement residence within eighteen months of its realization.

(5) (a) A person who otherwise qualifies under this section and is within the income range of eleven thousand dollars or less shall be exempt from all excess property taxes; and in addition

(b) A person who otherwise qualifies under this section and is within the income range of seven thousand dollars or less shall be exempt from all regular property taxes on up to fifteen thousand dollars of valuation of his or her residence.

(6) For the purposes of this section, cotenants mean two or more individuals who reside together, who jointly own the residence, and who otherwise meet the requirements of this section.

Sec. 2. Section 2, chapter 182, Laws of 1974 ex. sess. as amended by section 15, chapter 291, Laws of 1975 1st ex. sess. and RCW 84.36.383 are each amended to read as follows:

As used in ((this chapter)) RCW 84.36.381 through 84.36.389, 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 share ownership in a cooperative housing association, corporation, or partnership if the person claiming exemption can establish that his or her share represents the specific unit or portion of such structure in which he or she resides. 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.

Sec. 3. Section 3, chapter 182, Laws of 1974 ex. sess. as amended by section 2, chapter 268, Laws of 1977 ex. sess. and RCW 84.36.385 are each amended to read as follows:

Claims for exemption or a renewal affidavit under RCW 84.36.381 as now or hereafter amended, 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 RCW 84.36.381 through 84.36.389, as now or hereafter amended, in ~~((1977))~~ 1979 shall be filed between January 2 and October 1, ~~((1977))~~ 1979. Persons who filed claims after January 2, 1979 and who would have been eligible for an exemption in 1980 under the law amended by this 1979 act are eligible for an exemption under sections 1 through 4 of this 1979 act without necessity of reapplication.

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 RCW 84.36.381, as now or hereafter amended, 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))~~ under RCW 84.36.381 through 84.36.389, through communications media,

including such paid advertisements or notices as it deems appropriate. Notice of the qualifications, method of making applications and availability of further information shall be included on or with property tax statements and revaluation notices for all residential property including mobile homes, except rental properties. For assessment year 1980 and thereafter, the notice shall also indicate that claim forms and renewal affidavits are available in January of the year in which the property tax levies are imposed.

Sec. 4. Section 5, chapter 182, Laws of 1974 ex. sess. and RCW 84.36-.389 are each amended to read as follows:

(1) 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.

(2) The department may conduct such audits of the administration of RCW 84.36.381 through 84.36.389 and the claims for exemption filed thereunder as it considers necessary. The powers of the department under chapter 84.08 RCW apply to these audits.

(3) Any information or facts concerning confidential income data obtained by the assessor or the department, or their agents or employees, under subsection (2) of this section shall be used only to administer RCW 84.36.381 through 84.36.389. Notwithstanding any provision of law to the contrary, absent written consent by the person about whom the information or facts have been obtained, the confidential income data shall not be disclosed by the assessor or the assessor's agents or employees to anyone other than the department or the department's agents or employees nor by the department or the department's agents or employees to anyone other than the assessor or the assessor's agents or employees except in a judicial proceeding pertaining to the taxpayer's entitlement to the tax exemption under RCW 84.36.381 through 84.36.389. Any violation of this subsection is a misdemeanor.

Sec. 5. Section 27, chapter 291, Laws of 1975 1st ex. sess. and RCW 84.38.020 are each amended to read as follows:

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

(1) "Claimant" means a retired person who elects to defer payment of the special assessments and/or real property taxes accrued on his residence by filing a declaration to defer as provided by this chapter.

When two or more individuals of a household file or seek to file a declaration to defer, they may determine between them as to who the claimant shall be.

(2) "Consumer price index" shall mean the consumer price index for urban wage earners and clerical workers as compiled by the bureau of labor statistics of the United States department of labor.

(3) "Department" means the state department of revenue.

(4) "Equity value" means the amount by which the fair market value of a residence as determined from the records of the county assessor exceeds the total amount of any liens or other obligations against the property.

(5) "Owned" includes possession under a contract of sale, deed of trust, or tenancy in common.

(6) "Special assessment" means the charge or obligation imposed by a city, town, county, or other municipal corporation upon property specially benefited by a local improvement, including assessments under chapters 35-.44, 36.88, 36.94, 53.08, 54.16, 56.20, 57.16, 86.09, and 87.03 RCW and any other relevant chapter.

(7) "Real property taxes" means ad valorem property taxes levied on a residence in this state in the preceding calendar year. If a residence is an integral part of a larger unit such as a farm, or a multipurpose or multidwelling building, real property taxes shall be that percentage of the total property taxes accrued as the value of the residence is of the total value of the unit. For purposes of this paragraph "unit" refers to the parcel of property covered by a single tax statement of which the residence is a part.

(8) "Preceding calendar year" shall mean the calendar year preceding the year in which the application for deferral of special assessment and/or real property taxes is made.

(9) 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 per unit. 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 or its municipal corporations, and notwithstanding the provisions of RCW 84.04.080, 84.04.090, or 84.40.250, such a residence shall be deemed real property.

(10) 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.

Sec. 6. Section 28, chapter 291, Laws of 1975 1st ex. sess. and RCW 84.38.030 are each amended to read as follows:

A retired person may elect to defer payment of special assessments and/or real property taxes on his residence up to eighty percent of the amount of his equity value in said property if the following conditions are met:

(1) The special assessments and/or property taxes must have been imposed upon a residence: (a) Which has been regularly occupied by the person claiming the deferral during the two calendar years preceding the year

in which the deferral claim is filed; or (b) which was occupied by the person claiming the deferral as a principal place of residence as of January 1st of the year in which the claim is filed and the person claiming the deferral 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 confinement of the person to a hospital or nursing home shall not disqualify the claim of deferral if the residence is temporarily unoccupied or if the residence is occupied by a spouse and/or a person financially dependent on the claimant for support.

(2) The claimant must have owned, at the time of filing, the residence on which the special assessment and/or real property taxes have been imposed. For purposes of this subsection, a residence owned by a marital community or owned by cotenants shall be deemed to be owned by each spouse or cotenant.

(3) The claimant must have been (~~sixty-two~~) sixty-one years of age or older on January 1st of the year in which the deferral claim is filed, or must have been, at the time of filing, retired from regular gainful employment by reason of physical disability: PROVIDED, That any surviving spouse of a person who was receiving a deferral at the time of the person's death shall qualify if the surviving spouse is fifty-seven years of age or older and otherwise meets the requirements of this chapter.

(4) The claimant (~~and/or~~), his or her spouse, and any cotenant occupying the residence must not have received income of the type referred to in RCW 84.36.381, as now or hereafter amended, during the preceding calendar year which exceeds the following amounts:

(a) For claims filed in 1976—eight thousand dollars;

(b) For claims filed in subsequent years, an amount equal to the previous year's income limit adjusted by the percentage change in the consumer price index for the twelve month period ending September 31st of the previous year.

(5) The claimant must have and keep in force fire and casualty insurance in sufficient amount to protect the interest of the state in the claimant's equity value.

(6) In the case of special assessment deferral, claimant must have opted for payment of such special assessments on the installment method if such method was available.

(7) For the purposes of this section, cotenants mean two or more individuals who reside together, who jointly own the residence, and who otherwise meet the requirements of this section.

Sec. 7. Section 29, chapter 291, Laws of 1975 1st ex. sess. and RCW 84.38.040 are each amended to read as follows:

(1) Each claimant electing to defer payment of special assessments and/or real property tax obligations under this chapter shall file with the county assessor, on forms prescribed by the department and supplied by the

assessor, a written declaration thereof. The declaration to defer special assessments and/or real property taxes for any year shall be filed (~~((prior to July 1st each year for deferral for the following year))~~) no later than thirty days before the tax or assessment is due.

(2) The declaration shall designate the property to which the deferral applies, and shall include a statement setting forth (a) a list of all members of the claimant's household, (b) the claimant's equity value in his residence, (c) facts establishing the eligibility for the deferral under the provisions of this chapter, and (d) any other relevant information required by the rules of the department. Each copy shall be signed by the claimant subject to the penalties as provided in chapter 9.72 RCW for the false swearing. The first declaration to defer filed in a county shall include proof of the claimant's age acceptable to the assessor.

(3) The county assessor shall determine if each claimant shall be granted a deferral for each year but the claimant shall have the right to appeal this determination to the county board of equalization whose decision shall be final as to the deferral of that year.

Sec. 8. Section 30, chapter 291, Laws of 1975 1st ex. sess. and RCW 84.38.050 are each amended to read as follows:

(1) (a) Declarations to defer property taxes for all years following the first year may be made by filing with the county assessor (~~((on or before July 1st))~~) no later than thirty days before the tax is due a renewal form in duplicate, prescribed by the department of revenue and supplied by the county assessor, which affirms the continued eligibility of the claimant.

(b) In January of each year, the county assessor shall send to each claimant who has been granted deferral of ad valorem taxes for the previous year renewal forms and notice to renew.

(2) Declarations to defer special assessments shall be made by filing with the assessor (~~((on or before July 1st of any year))~~) no later than thirty days before the special assessment is due on a form to be prescribed by the department of revenue and supplied by the county assessor. Upon approval, the full amount of special assessments upon such claimant's residence shall be deferred (~~((for the following year))~~) but not to exceed an amount equal to eighty percent of the claimant's equity value in said property.

Sec. 9. Section 2, chapter 131, Laws of 1974 ex. sess. and RCW 84.41-.041 are each amended to read as follows:

Each county assessor shall cause taxable real property (~~((being valued))~~) to be physically inspected and valued at least once every four years (~~((in order to provide adequate data from which to make accurate valuations))~~) in accordance with RCW 84.41.030, and in accordance with a plan filed with and approved by the department of revenue. Such revaluation plan shall provide that a reasonable portion of all taxable real property within a county shall be revalued and these newly-determined values placed on the assessment rolls each year. 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.~~)

NEW SECTION. Sec. 10. The exemption created by sections 1 through 4 of this act shall be effective starting with property taxes levied in calendar year 1979 for collection in calendar year 1980. The former exemption created by the law amended shall continue to be effective with respect to property taxes levied in calendar year 1978 for collection in calendar year 1979.

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 immediately.

Passed the Senate May 25, 1979.

Passed the House May 23, 1979.

Approved by the Governor June 4, 1979.

Filed in Office of Secretary of State June 4, 1979.

CHAPTER 215

[Engrossed Substitute Senate Bill No. 2415]

MENTAL ILLNESS—COMMITMENT, TREATMENT PROCEDURE

AN ACT Relating to civil commitment; amending section 294, page 187, Laws of 1854 as last amended by section 7, chapter 13, Laws of 1965 and RCW 5.60.060; amending section 9, chapter 117, Laws of 1973 1st ex. sess. as amended by section 8, chapter 198, Laws of 1974 ex. sess. and RCW 10.77.090; amending section 11, chapter 117, Laws of 1973 1st ex. sess. as amended by section 10, chapter 198, Laws of 1974 ex. sess. and RCW 10.77-.110; amending section 7, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.020; amending section 10, chapter 142, Laws of 1973 1st ex. sess. as last amended by section 2, chapter 199, Laws of 1975 1st ex. sess. and RCW 71.05.050; amending section 17, chapter 142, Laws of 1973 1st ex. sess. as last amended by section 7, chapter 145, Laws of 1974 ex. sess. and RCW 71.05.120; amending section 18, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.130; amending section 20, chapter 142, Laws of 1973 1st ex. sess. as last amended by section 3, chapter 199, Laws of 1975 1st ex. sess. and RCW 71.05.150; amending section 23, chapter 142, Laws of 1973 1st ex. sess. as amended by section 11, chapter 145, Laws of 1974 ex. sess. and RCW 71.05.180; amending section 24, chapter 142, Laws of 1973 1st ex. sess. as amended by section 12, chapter 145, Laws of 1974 ex. sess. and RCW 71.05.190; amending section 29, chapter 142, Laws of 1973 1st ex. sess. as amended by section 16, chapter 145, Laws of 1974 ex. sess. and RCW 71.05-.240; amending section 33, chapter 142, Laws of 1973 1st ex. sess. as amended by section 19, chapter 145, Laws of 1974 ex. sess. and RCW 71.05.280; amending section 37, chapter 142, Laws of 1973 1st ex. sess. as last amended by section 9, chapter 199, Laws of 1975 1st ex. sess. and RCW 71.05.320; amending section 39, chapter 142, Laws of 1973

1st ex. sess. as amended by section 24, chapter 145, Laws of 1974 ex. sess. and RCW 71.05.340; amending section 44, chapter 142, Laws of 1973 1st ex. sess. as last amended by section 10, chapter 199, Laws of 1975 1st ex. sess. and RCW 71.05.390; adding a new section to chapter 72.23 RCW; creating new sections; and making an appropriation.

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

NEW SECTION. Section 1. It is the intent of the legislature that chapter 71.05 RCW as amended by this 1979 act be carefully construed to accomplish the purposes stated in RCW 71.05.010 and hereby reaffirmed.

Sec. 2. Section 294, page 187, Laws of 1854 as last amended by section 7, chapter 13, Laws of 1965 and RCW 5.60.060 are each amended to read as follows:

(1) A husband shall not be examined for or against his wife, without the consent of the wife, nor a wife for or against her husband without the consent of the husband; nor can either during marriage or afterward, be without the consent of the other, examined as to any communication made by one to the other during marriage. But this exception shall not apply to a civil action or proceeding by one against the other, nor to a criminal action or proceeding for a crime committed by one against the other, nor to a criminal action or proceeding for a crime committed by said husband or wife against any child of whom said husband or wife is the parent or guardian, nor to a proceeding under chapter 71.05 RCW: PROVIDED, That the spouse of a person sought to be detained under chapter 71.05 RCW may not be compelled to testify and shall be so informed by the court prior to being called as a witness.

(2) An attorney or counselor shall not, without the consent of his client, be examined as to any communication made by the client to him, or his advice given thereon in the course of professional employment.

(3) A clergyman or priest shall not, without the consent of a person making the confession, be examined as to any confession made to him in his professional character, in the course of discipline enjoined by the church to which he belongs.

(4) A regular physician or surgeon shall not, without the consent of his patient, be examined in a civil action as to any information acquired in attending such patient, which was necessary to enable him to prescribe or act for the patient, but this exception shall not apply in any judicial proceeding regarding a child's injuries, neglect or sexual abuse, or the cause thereof.

(5) A public officer shall not be examined as a witness as to communications made to him in official confidence, when the public interest would suffer by the disclosure.

Sec. 3. Section 9, chapter 117, Laws of 1973 1st ex. sess. as amended by section 8, chapter 198, Laws of 1974 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 incompetent, the court shall order the proceedings against him be stayed, except as provided in subsection (5) of this section, and, if the defendant is charged with a felony, 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. A copy of the report shall be sent to the facility. On or before expiration of the initial ninety day period of commitment the court shall conduct a hearing, at which it shall determine whether or not the defendant is incompetent. If the defendant is charged with a crime which is not a felony, the court may stay or dismiss proceedings and detain the defendant for sufficient time to allow the county mental health professional to evaluate the defendant and commence proceedings under chapter 71.05 RCW if appropriate; and subsections (2) and (3) of this section shall not be applicable: PROVIDED, That, upon order of the court, the prosecutor may directly petition for fourteen days of involuntary treatment under chapter 71.05 RCW.

(2) If the court finds by a preponderance of the evidence that the defendant is 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 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 hearing on or before the expiration of the second ninety day period be before a jury. If no demand is made, the hearing shall be before the court. The court or jury shall determine whether or not the defendant has 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 that the defendant is incompetent, the charges shall be dismissed without prejudice, and either civil commitment proceedings shall be instituted, if appropriate, or the court shall order the release of the defendant: PROVIDED, That 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) 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.

(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.

(6) At or before the conclusion of any commitment period provided for by this section, the facility providing evaluation and treatment shall provide to the court a written report of examination which meets the requirements of RCW 10.77.060(3).

Sec. 4. Section 11, chapter 117, Laws of 1973 1st ex. sess. as amended by section 10, chapter 198, Laws of 1974 ex. sess. and RCW 10.77.110 are each amended to read as follows:

If a defendant is acquitted of a felony by reason of insanity, and it is found that he is not a substantial danger to 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 final discharge. If it is found that ~~((the))~~ such defendant is a substantial danger to himself or others and in need of control by the court or other persons or institutions, the court shall order his hospitalization, 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))~~ such 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. If the defendant is acquitted by reason of insanity of a crime which is not a felony, the court shall order the defendant's release or order the defendant's continued custody only for a reasonable time to allow the county-designated mental-health professional to evaluate the individual and to proceed with civil commitment pursuant to chapter 71.05 RCW, if considered appropriate.

Sec. 5. Section 7, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.020 are each amended to read as follows:

For the purposes of this chapter:

(1) "Gravely disabled" means a condition in which a person, as a result of a mental disorder: (a) is in danger of serious physical harm resulting from a failure to provide for his essential human needs of health or safety, or (b) manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her

actions and is not receiving such care as is essential for his or her health or safety;

(2) "Mental disorder" means any organic, mental, or emotional impairment which has substantial adverse effects on an individual's cognitive or volitional functions;

(3) "Likelihood of serious harm" means either: (a) A substantial risk that physical harm will be inflicted by an individual upon his own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on one's self, ((or)) (b) a substantial risk that physical harm will be inflicted by an individual upon another, as evidenced by behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm, or (c) a substantial risk that physical harm will be inflicted by an individual upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others;

(4) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment;

(5) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter;

(6) "Public agency" means any evaluation and treatment facility ((of;)) or 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, if the agency is operated directly by, federal, state, county, or municipal government, or a combination of such governments;

(7) "Private agency" means any person, partnership, corporation, or association not defined as a public agency, whether or not financed in whole or in part by public funds, which constitutes an evaluation and treatment facility or 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;

(8) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a patient;

(9) "Department" means the department of social and health services of the state of Washington;

(10) "Secretary" means the secretary of the department of social and health services, or his designee;

(11) "Mental health professional" means a psychiatrist, psychologist, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules and regulations adopted by the secretary pursuant to the provisions of this chapter;

(12) "Professional person" shall mean a mental health professional, as above defined, and shall also mean a physician, registered nurse, and such

others as may be defined by rules and regulations adopted by the secretary pursuant to the provisions of this chapter;

(13) "Psychiatrist" means a person having a license as a physician and surgeon in this state who has in addition completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association;

(14) "Psychologist" means a person (~~with an earned graduate degree in psychology or a graduate degree deemed its equivalent under rules and regulations adopted by the secretary or~~) who has been licensed as a psychologist pursuant to chapter 18.83 RCW;

(15) "Social worker" means a person with a master's or further advanced degree from an accredited school of social work or a degree from a graduate school deemed equivalent under rules and regulations adopted by the secretary;

(16) "Evaluation and treatment facility" means any facility which can provide directly, or by direct arrangement with other public or private agencies, emergency evaluation and treatment, outpatient care, and short term inpatient care to persons suffering from a mental disorder, and which is certified as such by the department of social and health services: **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 operated by, the department of social and health services or any federal agency will not require certification: **AND PROVIDED FURTHER**, That no correctional institution or facility, or jail, shall be an evaluation and treatment facility within the meaning of this chapter.

Sec. 6. Section 10, chapter 142, Laws of 1973 1st ex. sess. as last amended by section 2, chapter 199, Laws of 1975 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 orally be advised of the right to immediate release and further advised of such 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 ((or)) of their right to release upon request: **PROVIDED HOWEVER**, That if the professional staff of any public or private agency or hospital regards a person voluntarily admitted who requests release as presenting, as a result of a mental disorder,

an imminent likelihood of serious harm to himself or others, or is gravely disabled, they may detain such person for sufficient time 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 chapter, which shall in ordinary circumstances be no later than the next judicial day: PROVIDED FURTHER, That if a person is brought to the emergency room of a public or private agency or hospital for observation or treatment, said person refuses voluntary admission, and the professional staff of the public or private agency or hospital regards such person as presenting as a result of a mental disorder an imminent likelihood of serious harm to himself or others or as presenting an imminent danger because of grave disability, they may detain such person for sufficient time 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 treatment center pursuant to the conditions in this chapter, but which time shall be no more than six hours.

Sec. 7. Section 17, chapter 142, Laws of 1973 1st ex. sess. as last amended by section 7, chapter 145, Laws of 1974 ex. sess. and RCW 71.05.120 are each amended to read as follows:

No officer of a public or private agency, 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, nor any county designated mental health professional shall be civilly or criminally liable for ((detaining or releasing a person)) performing his duties pursuant to this ((1974 amendatory act at or before the end of the period for which he was admitted or committed)) chapter with regard to the decision of whether to admit, release, or detain a person for evaluation ((or)) and treatment: PROVIDED, That such duties were performed in good faith and without gross negligence.

Sec. 8. Section 18, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.130 are each amended to read as follows:

In any judicial proceeding for involuntary commitment or detention, or in any proceeding challenging such commitment or detention, the prosecuting attorney for the county in which the proceeding was initiated shall represent the individuals or agencies petitioning for commitment or detention and shall defend all challenges to such commitment or detention: PROVIDED, That after January 1, 1980, the attorney general shall represent and provide legal services and advice to state hospitals or institutions with regard to all provisions of and proceedings under this chapter except in proceedings initiated by such hospitals and institutions seeking fourteen day detention.

Sec. 9. Section 20, chapter 142, Laws of 1973 1st ex. sess. as last amended by section 3, chapter 199, Laws of 1975 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 summons shall state whether the required seventy-two hour evaluation and treatment services may be delivered on an outpatient or inpatient status. 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. 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 petition for initial detention. After service on such person the mental health professional shall file the return of service in court and provide copies of all papers in the court file to the evaluation and treatment facility and the designated attorney. 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 may admit such person as required by RCW 71.05.170 or may provide treatment on an outpatient basis. 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 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, or is in imminent danger because of being gravely disabled, 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 immediately delivered to an evaluation and treatment facility:

(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 or is in imminent danger because of being gravely disabled.

(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.

NEW SECTION. Sec. 10. There is added to chapter 71.05 RCW the following new section:

When a mental health professional is requested by a representative of a law enforcement agency, including a police officer, sheriff, a municipal attorney, or prosecuting attorney to undertake an investigation under RCW 71.05.150, as now or hereafter amended, the mental health professional shall, if requested to do so, advise said representative in writing of the results of the investigation including a statement of reasons for the decision to detain or release the person investigated. Such written report shall be submitted within seventy-two hours of the completion of the investigation or the request from the law enforcement representative, whichever occurs later.

Sec. 11. Section 23, chapter 142, Laws of 1973 1st ex. sess. as amended by section 11, chapter 145, Laws of 1974 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 from the time of acceptance as set forth in RCW 71.05.170. The computation of such seventy-two hour period shall ~~((include Saturdays, but))~~ exclude Saturdays, Sundays and holidays.

Sec. 12. Section 24, chapter 142, Laws of 1973 1st ex. sess. as amended by section 12, chapter 145, Laws of 1974 ex. sess. and RCW 71.05.190 are each amended to read as follows:

If 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. If the individual has been arrested, the evaluation and treatment facility shall detain the individual for not more than eight hours at the request of the peace officer in order to enable a peace officer to return to the facility and take the individual back into custody.

Sec. 13. Section 29, chapter 142, Laws of 1973 1st ex. sess. as amended by section 16, chapter 145, Laws of 1974 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 as determined in RCW 71.05.180, as now or hereafter amended. If requested by the detained person or his attorney, the hearing may be postponed for a period not to exceed forty-eight hours. The hearing may also be continued subject to the conditions set forth in RCW 71.05.210 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.

Sec. 14. Section 33, chapter 142, Laws of 1973 1st ex. sess. as amended by section 19, chapter 145, Laws of 1974 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 after having been taken into custody for evaluation and treatment has threatened, attempted, or inflicted: (a) Physical harm upon the person of another or himself ((after having been taken into custody for evaluation and treatment)), or substantial damage upon the property of another, and(;) (b) 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 been determined to be incompetent and criminal charges have been dismissed pursuant to RCW 10.77.090(3), as now or hereafter amended, and 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 ~~((+0-76))~~ 10.77 RCW, uninterrupted by any period of unconditional release from a facility providing involuntary care and treatment.

Sec. 15. Section 37, chapter 142, Laws of 1973 1st ex. sess. as last amended by section 9, chapter 199, Laws of 1975 1st ex. sess. and RCW 71.05.320 are each amended to read as follows:

(1) If the court or jury finds that grounds set forth in RCW 71.05.280 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. An order for treatment less restrictive than involuntary detention may include conditions, and if such conditions are not adhered to, the designated mental health professional may order the person apprehended under the terms and conditions of RCW 71.05.340 as now or hereafter amended.

If the court or jury finds that grounds set forth in RCW 71.05.280 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, or in the event of a less restrictive alternative, the designated mental health professional, files a new petition for involuntary treatment on the grounds that the committed person;

(a) During the current period of court ordered treatment: (i) Has threatened, attempted, or inflicted physical harm upon the person of another ((during the current period of court ordered treatment and)), or substantial damage upon the property of another, and (ii) 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 RCW 71.05.280(3) 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 chapter, it shall not be necessary to reprove that element. Such new petition for involuntary treatment shall be filed and heard in the superior court of the county

of the facility which is filing the new petition for involuntary treatment unless good cause is shown for a change of venue. The cost of the proceedings shall be borne by the 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. 16. Section 39, chapter 142, Laws of 1973 1st ex. sess. as amended by section 24, chapter 145, Laws of 1974 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))~~ treatment prior to or at 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))~~ treatment 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 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. 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, 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 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. 17. Section 44, chapter 142, Laws of 1973 1st ex. sess. as last amended by section 10, chapter 199, Laws of 1975 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 or who is not involved in providing services under the community mental health services act, chapter 71.24 RCW((;)).

(2) When the communications regard the special needs of a patient and the necessary circumstances giving rise to such needs and the disclosure is made by a facility providing outpatient services to the operator of a care facility in which the patient resides.

(3) 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))~~ (4) 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))~~ (5) 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))~~ (6) To the courts as necessary to the administration of this chapter.

~~((6))~~ (7) To law enforcement officers or public health officers necessary to carry out the responsibilities of their office: PROVIDED, That

(a) Only the fact and date of admission, the fact and date of discharge, and the last known address shall be disclosed upon request; and

(b) The law enforcement and public health officers shall be obligated to keep such information confidential in accordance with this chapter; and

(c) Additional information shall be disclosed only after giving notice to said person and his counsel and upon a showing of clear, cogent and convincing evidence that such information is necessary and that appropriate safeguards for strict confidentiality are and will be maintained: PROVIDED HOWEVER, That in the event the said person has escaped from custody, said notice prior to disclosure is not necessary and that the facility from which the person escaped shall include an evaluation as to whether the person is of danger to persons or property and has a propensity toward violence.

~~((7))~~ (8) To the attorney of the detained person.

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 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.

NEW SECTION. Sec. 18. There is added to chapter 72.23 RCW a new section to read as follows:

The department is directed to establish at each state hospital a procedure, including the necessary resources, to provide temporary residential observation and evaluation of persons who request treatment, unless admitted under RCW 72.23.070. Temporary residential observation and evaluation under this section shall be for a period of not less than twenty-four hours nor more than forty-eight hours and may be provided informally without complying with the admission procedure set forth in RCW 72.23.070 or the rules and regulations established thereunder.

It is the intent of the legislature that temporary observation and evaluation as described in this section be provided in all cases except where an alternative such as: (1) Delivery to treatment outside the hospital, or (2) no need for treatment is clearly indicated.

NEW SECTION. Sec. 19. The department shall provide annually, by August 1, to the house standing committees on appropriations, social and health services, and institutions and the senate standing committees on ways and means and social and health services an analysis of the impact of this 1979 act. Such analysis shall include but not be limited to: Information on the impact on the average daily population of the state mental hospitals; information on both individual and average length of stays for patients involuntarily committed; information on the grounds for commitment, recidivism, and history of treatment by the community mental health system; information on the outcomes of treatment for patients involuntarily treated

either in the state hospitals or in community-based care; and, information on the status of the expenditure of funds appropriated in this 1979 act.

NEW SECTION. Sec. 20. There is appropriated from the general fund to the department of social and health services for the 1979-81 biennium, the sum of four million five hundred twenty-three thousand dollars, of which two hundred seventy-five thousand dollars is to be from federal funds, or so much thereof as shall be necessary, to carry out the purposes of this 1979 act which include funding two hundred thirty-eight staff years: PROVIDED, That these funds and staff years shall be held in allotment reserve by the office of financial management and allotted upon receipt of adequate justification for the sole purposes of meeting the requirements of this 1979 act.

Passed the Senate May 25, 1979.
Passed the House May 15, 1979.
Approved by the Governor June 4, 1979.
Filed in Office of Secretary of State June 4, 1979.

CHAPTER 216

[Engrossed Substitute Senate Bill No. 2794]

WATER AND WATER RIGHTS—APPROPRIATIONS

AN ACT Relating to water and water rights; amending section 16, chapter 117, Laws of 1917 as last amended by section 2, chapter 357, Laws of 1977 ex. sess. and RCW 90.03.130; amending section 21, chapter 117, Laws of 1917 as last amended by section 3, chapter 122, Laws of 1929 and RCW 90.03.180; amending section 16, chapter 233, Laws of 1967 and RCW 90.14.160; amending section 20, chapter 233, Laws of 1967 and RCW 90.14.200; adding new sections to chapter 90.03 RCW; adding a new section to chapter 90.14 RCW; adding a new section to chapter 90.54 RCW; making appropriations; and declaring an emergency.

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

NEW SECTION. Section 1. There is added to chapter 90.03 RCW a new section as follows:

Rights subject to determination proceedings conducted under RCW 90.03.110 through 90.03.240 and 90.44.220 include all rights to the use of water, including all diversionary and instream water rights, and include rights to the use of water claimed by the United States.

Nothing in this section may be construed as establishing or creating any new rights to the use of water. This section relates exclusively to the confirmation of water rights established or created under other provisions of state law or under federal laws.

Sec. 2. Section 16, chapter 117, Laws of 1917 as last amended by section 2, chapter 357, Laws of 1977 ex. sess. and RCW 90.03.130 are each amended to read as follows:

Service of said summons shall be made in the same manner and with the same force and effect as service of summons in civil actions commenced in

the superior courts of the state: PROVIDED, That for good cause, the court, at the request of the supervisor, as an alternative to personal service, may authorize service of summons to be made by certified mail, with ~~((acknowledgment of))~~ return receipt ~~((of summons executed))~~ signed by defendant ~~((required, as an alternative to personal service))~~, a spouse of a defendant, or another person authorized to accept service. If the defendants, or either of them, cannot be found within the state of Washington, of which the return of the sheriff of the county in which the proceeding is pending shall be prima facie evidence, upon the filing of an affidavit by the supervisor of water resources, or his attorney, in conformity with the statute relative to the service of summons by publication in civil actions, such service may be made by publication in a newspaper of general circulation ~~((printed and published at the county seat of))~~ in the county in which such proceeding is pending, and also publication of said summons in a newspaper ~~((published at the county seat))~~ of general circulation in each county in which any portion of the water is situated, once a week for six consecutive weeks (six publications)~~((before the return day thereof))~~. In cases where personal service can be had, such summons shall be served at least twenty days before the return day thereof. The summons by publication shall state that statements of claim must be filed within twenty days after the last publication or before the return date, whichever is later.

Personal service of summons may be made by department of ecology employees for actions pertaining to water rights.

Sec. 3. Section 21, chapter 117, Laws of 1917 as last amended by section 3, chapter 122, Laws of 1929 and RCW 90.03.180 are each amended to read as follows:

At the time of filing the statement as provided in RCW 90.03.140, each defendant shall pay to the clerk of the superior court a fee of ~~((one))~~ twenty-five dollars. The supervisor of water resources shall keep a record of the expenses incurred by him in the determination of the rights on any stream, including the proportionate share of the expense of his office, such expense to date from the filing of a petition or the institution of any investigation as provided in RCW 90.03.110. Immediately upon receipt of a decree of the superior court determining the rights of parties as provided in RCW 90.03-.200, the supervisor shall prepare and file in the superior court a statement of such expense, showing the total expense of the determination and apportioning one-half of such expense to the various rights. And where ~~((such))~~ the expense subject to apportionment does not exceed five dollars for each water right, as determined by the court, it shall be divided equally between such rights. If such expense exceeds five dollars for each water right, such allottee shall pay five dollars plus a share of the amount remaining, which shall be equitably apportioned to the various irrigation and other consumptive rights in such proportion as the quantity of water allotted to each right bears to the total amount of water awarded taking into account priorities of

the various rights, and to nonconsumptive rights on such basis as the supervisor may determine to be equitable. Such records shall be subject to audit by the bureau of inspection and supervision of public offices as are other accounts of state offices. The amount of ~~((such))~~ the expense apportioned to each ~~((diverter))~~ user shall be paid by such ~~((diverter))~~ user before he shall be entitled to receive a certificate of diversion from the supervisor.

NEW SECTION. Sec. 4. There is added to chapter 90.14 RCW a new section to read as follows:

(1) Notwithstanding any time restrictions imposed by the provisions of chapter 90.14 RCW, a person may file a claim pursuant to RCW 90.14.041 if such person obtains a certification from the pollution control hearings board as provided in this section.

(2) A certification shall be issued by the pollution control hearings board if, upon petition to the board, it is shown to the satisfaction of the board that:

(a) Waters of the state have been applied to beneficial use continuously (with no period of nonuse exceeding five consecutive years) in the case of surface water beginning not later than June 7, 1917, and in the case of ground water beginning not later than June 7, 1945, or

(b) Waters of the state have been applied to beneficial use continuously (with no period of nonuse exceeding five consecutive years) from the date of entry of a court decree confirming a water right and any failure to register a claim resulted from a reasonable misinterpretation of the requirements as they related to such court decreed rights.

(3) The board shall have jurisdiction to accept petitions for certification from any person through December 31, 1979, and not thereafter.

(4) A petition for certification shall include complete information on the claim pursuant to RCW 90.14.051 (1) through (8), and any such information as the board may require.

(5) The department of ecology is directed to accept for filing any claim certified by the board as provided in subsection (2) of this section. The department of ecology, upon request of the board, may provide assistance to the board pertinent to any certification petition.

(6) A certification by the pollution control hearings board or a filing with the department of ecology of a claim under this section shall not constitute a determination or confirmation that a water right exists.

(7) The provisions of RCW 90.14.071 shall have no applicability to certified claims filed pursuant to this section.

(8) This section shall have no applicability to ground waters resulting from the operations of reclamation projects.

Sec. 5. Section 16, chapter 233, Laws of 1967 and RCW 90.14.160 are each amended to read as follows:

Any person entitled to divert or withdraw waters of the state through any appropriation authorized by enactments of the legislature prior to enactment of chapter 117, Laws of 1917, or by custom, or by general adjudication, who abandons the same, or who voluntarily fails, without sufficient cause, to beneficially use all or any part of said right to divert or withdraw for any period of five successive years after the effective date of this act, shall relinquish such right or portion thereof, and said right or portion thereof shall revert to the state, and the waters affected by said right shall become available for appropriation in accordance with RCW 90.03.250; PROVIDED, That such rights to use waters reverted under this section or under RCW 90.14.170 and 90.14.180, which were last exercised for a beneficial use subsequent to June 30, 1979, shall, if a minimum flow or level established by the department of ecology is in effect at the time when a determination of the reversion made either by the department or a court becomes final, be applied to meet such minimum flow or level with a priority of the original date of the reverted right before becoming otherwise available for appropriation for other beneficial uses under RCW 90.03.250 through 90.03.340.

Sec. 6. Section 20, chapter 233, Laws of 1967 and RCW 90.14.200 are each amended to read as follows:

(1) All matters relating to the implementation and enforcement of this chapter by the department of ecology shall be carried out in accordance with chapter 34.04 RCW as it now exists or hereafter shall be amended except where the provisions of this chapter expressly conflict herewith. Proceedings held pursuant to RCW 90.14.130 hereof are "contested cases" within the meaning of chapter 34.04 RCW. Final decisions of the department of ecology in these proceedings are subject to review in accordance with chapter 43.21B RCW.

(2) RCW 90.14.130 provides nonexclusive procedures for determining a relinquishment of water rights under RCW 90.14.160, 90.14.170, and 90.14.180. RCW 90.14.160, 90.14.170, and 90.14.180 may be applied in, among other proceedings, general adjudication proceedings initiated under RCW 90.03.110 or 90.44.220: PROVIDED, That nothing herein shall apply to litigation involving determinations of the department of ecology under RCW 90.03.290 relating to the impairment of existing rights.

NEW SECTION. Sec. 7. There is added to chapter 90.03 RCW a new section to read as follows:

The establishment of reservations of water for agriculture, hydroelectric energy, municipal, industrial, and other beneficial uses under RCW 90.54.050(1) or minimum flows or levels under RCW 90.22.010 or 90.54.040 shall constitute appropriations within the meaning of this chapter with priority dates as of the effective dates of their establishment. Whenever an application for a permit to make beneficial use of public waters embodied in a reservation, established after the effective date of this act, is filed with the

department of ecology after the effective date of such reservation, the priority date for a permit issued pursuant to an approval by the department of ecology of the application shall be the effective date of the reservation.

NEW SECTION. Sec. 8. There is added to chapter 90.03 RCW a new section to read as follows:

It is the policy of the state to promote the use of the public waters in a fashion which provides for obtaining maximum net benefits arising from both diversionary uses of the state's public waters and the retention of waters within streams and lakes in sufficient quantity and quality to protect instream and natural values and rights. Consistent with this policy, the state supports economically feasible and environmentally sound development of physical facilities through the concerted efforts of the state with the United States, public corporations, Indian tribes, or other public or private entities. Further, based on the tenet of water law which precludes wasteful practices in the exercise of rights to the use of waters, the department of ecology shall reduce these practices to the maximum extent practicable, taking into account sound principles of water management and the most effective use of public and private funds, and, when appropriate, to work to that end in concert with the agencies of the United States and other public and private entities.

NEW SECTION. Sec. 9. There is added to chapter 90.54 RCW a new section to read as follows:

When feasible, the department of ecology shall cooperate with the United States and other public entities, including Indian tribes, in the planning, development, and operation of comprehensive water supply projects designed primarily to resolve controversies and conflicts over water use by increasing water quantity and improving water quality within a stream or river system, or other bodies of water, as well as to enhance opportunities for both instream and diversionary water uses within the system, and, in relation thereto, the department may:

- (1) Participate with the federal government and other public entities in the planning, development, operation, and management of various phases of water projects hereafter authorized by congress;
- (2) Provide rights to the use of public waters under the state's surface and ground water codes for these projects when the waters are available for allocation; and
- (3) Provide financial assistance through grants and loans for projects when moneys are made available to the department for this assistance by other provisions of this code.

NEW SECTION. Sec. 10. There is appropriated to the department of ecology from the general fund for the biennium ending June 30, 1981, the sum of forty thousand dollars, or so much thereof as may be necessary, to carry out the purposes of this act.

NEW SECTION. Sec. 11. There is appropriated to the state conservation commission from the general fund for the biennium ending June 30, 1981, the sum of fifty-nine thousand dollars, or so much thereof as may be necessary, to provide moneys to conservation districts for studies and pilot projects relating to water resources aspects of their administration.

NEW SECTION. Sec. 12. Section 2 of this act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION. Sec. 13. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the Senate May 25, 1979.

Passed the House May 15, 1979.

Approved by the Governor June 4, 1979.

Filed in Office of Secretary of State June 4, 1979.

CHAPTER 217

[Engrossed Senate Bill No. 3117]

RESIDENTIAL SCHOOLS—PROGRAMS OF EDUCATION

AN ACT Relating to education; amending section 72.01.200, chapter 28, Laws of 1959 and RCW 72.01.200; amending section 72.05.010, chapter 28, Laws of 1959 as amended by section 177, chapter 141, Laws of 1979 and RCW 72.05.010; amending section 72.05.130, chapter 28, Laws of 1959 as amended by section 179, chapter 141, Laws of 1979 and RCW 72.05.130; amending section 72.05.140, chapter 28, Laws of 1959 as amended by section 180, chapter 141, Laws of 1979 and RCW 72.05.140; amending section 72.20.040, chapter 28, Laws of 1959 as last amended by section 229, chapter 141, Laws of 1979 and RCW 72.20.040; amending section 4, chapter 18, Laws of 1967 ex. sess. as amended by section 235, chapter 141, Laws of 1979 and RCW 72.30.040; amending section 72.33.040, chapter 28, Laws of 1959 as last amended by section 62, chapter 80, Laws of 1977 ex. sess. and RCW 72.33.040; amending section 72.33.050, chapter 28, Laws of 1959 and RCW 72.33.050; creating new sections; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW; repealing section 72.16.070, chapter 28, Laws of 1959 and RCW 72.16.070; repealing section 72.20.080, chapter 28, Laws of 1959, section 231, chapter 141, Laws of 1979 and RCW 72.20.080; and providing an effective date.

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

NEW SECTION. Section 1. The term "residential school" as used in sections 2 through 8 of this amendatory act, each as now or hereafter amended, shall mean Green Hill school, Maple Lane school, Naselle Youth Camp, Cedar Creek Youth Camp, Mission Creek Youth Camp, Echo Glen, Cascadia Diagnostic Center, Lakeland Village, Rainier school, Yakima Valley school, Interlake school, Fircrest school, Francis Haddon Morgan Center, the Child Study and Treatment Center and Secondary School of Western State Hospital, and such other schools, camps, and centers as are now or hereafter established by the department of social and health services

for the diagnosis, confinement and rehabilitation of juveniles committed by the courts or for the care and treatment of persons who are exceptional in their needs by reason of mental and/or physical deficiency: PROVIDED, That the term shall not include the state schools for the deaf and blind or adult correctional institutions.

NEW SECTION. Sec. 2. Each school district within which there is located a residential school shall, singly or in concert with another school district pursuant to RCW 28A.58.075 and 28A.58.245 or pursuant to chapter 39.34 RCW, each as now or hereafter amended, conduct a program of education, including related student activities, for residents of the residential school. Except as otherwise provided for by contract pursuant to section 4 of this amendatory act, as now or hereafter amended, the duties and authority of a school district and its employees to conduct such a program shall be limited to the following:

(1) The employment, supervision and control of administrators, teachers, specialized personnel and other persons, deemed necessary by the school district for the conduct of the program of education;

(2) The purchase, lease or rental and provision of textbooks, maps, audio-visual equipment, paper, writing instruments, physical education equipment and other instructional equipment, materials and supplies, deemed necessary by the school district for the conduct of the program of education;

(3) The development and implementation, in consultation with the superintendent or chief administrator of the residential school or his or her designee, of the curriculum;

(4) The conduct of a program of education, including related student activities, for residents who are five and less than twenty-one years of age and have not met high school graduation requirements as now or hereafter established by the state board of education and the school district which includes:

(a) Not less than one hundred and eighty school days each school year;

(b) Special education pursuant to chapter 28A.13 RCW, as now or hereafter amended, and vocational education, as necessary to address the unique needs and limitations of residents; and

(c) Such courses of instruction and school related student activities as are provided by the school district for nonresidential school students to the extent it is practical and judged appropriate for the residents by the school district after consultation with the superintendent or chief administrator of the residential school: PROVIDED, That a preschool special education program may be provided for handicapped residential school students;

(5) The control of students while participating in a program of education conducted pursuant to this section and the discipline, suspension or expulsion of students for violation of reasonable rules of conduct adopted by the school district; and

(6) The expenditure of funds for the direct and indirect costs of maintaining and operating the program of education that are appropriated by the legislature and allocated by the superintendent of public instruction for the exclusive purpose of maintaining and operating residential school programs of education, and funds from federal and private grants, bequests and gifts made for the purpose of maintaining and operating the program of education.

NEW SECTION. Sec. 3. The duties and authority of the department of social and health services and of each superintendent or chief administrator of a residential school to support each program of education conducted by a school district pursuant to section 2 of this amendatory act, as now or hereafter amended, shall include the following:

(1) The provision of transportation for residential school students to and from the sites of the program of education through the purchase, lease or rental of school buses and other vehicles as necessary;

(2) The provision of safe and healthy building and playground space for the conduct of the program of education through the construction, purchase, lease or rental of such space as necessary;

(3) The provision of furniture, vocational instruction machines and tools, building and playground fixtures, and other equipment and fixtures for the conduct of the program of education through construction, purchase, lease or rental as necessary;

(4) The provision of heat, lights, telephones, janitorial services, repair services, and other support services for the vehicles, building and playground spaces, equipment and fixtures provided for in this section;

(5) The employment, supervision and control of persons to transport students and to maintain the vehicles, building and playground spaces, equipment and fixtures, provided for in this section;

(6) Clinical and medical evaluation services necessary to a determination by the school district of the educational needs of residential school students; and

(7) Such other support services and facilities as are reasonably necessary for the conduct of the program of education.

NEW SECTION. Sec. 4. Each school district required to conduct a program of education pursuant to section 2 of this amendatory act, as now or hereafter amended, and the department of social and health services shall hereafter negotiate and execute a written contract for each school year or such longer period as may be agreed to which delineates the manner in which their respective duties and authority will be cooperatively performed and exercised, and any disputes and grievances resolved. Any such contract may provide for the performance of duties by a school district in addition to those set forth in subsections (1) through (5) of section 2 of this amendatory act, as now or hereafter amended, including duties imposed upon the department of social and health services and its agents pursuant to section 3 of

this amendatory act, as now or hereafter amended: PROVIDED, That funds identified in subsection (6) of section 2 of this amendatory act, as now or hereafter amended, and/or funds provided by the department of social and health services are available to fully pay the direct and indirect costs of such additional duties and the district is otherwise authorized by law to perform such duties in connection with the maintenance and operation of a school district.

NEW SECTION. Sec. 5. The department of social and health services shall provide written notice on or before April 15th of each school year to the superintendent of each school district conducting a program of education pursuant to sections 2 through 4 of this amendatory act, as now or hereafter amended, of any foreseeable residential school closure, reduction in the number of residents, or any other cause for a reduction in the school district's staff for the next school year. In the event the department of social and health services fails to provide notice as prescribed by this section, the department shall be liable and responsible for the payment of the salary and employment related costs for the next school year of each school district employee whose contract the school district would have nonrenewed but for the failure of the department to provide notice.

Sec. 6. Section 72.01.200, chapter 28, Laws of 1959 and RCW 72.01-.200 are each amended to read as follows:

The several penal and reformatory institutions of the state may employ certificated teachers to carry on their educational work, except for the educational programs provided pursuant to sections 2 through 4 of this amendatory act, as now or hereafter amended, and all such teachers so employed shall be eligible to membership in the state teachers' retirement fund.

Sec. 7. Section 72.05.010, chapter 28, Laws of 1959 as amended by section 177, chapter 141, Laws of 1979 and RCW 72.05.010 are each amended to read as follows:

The purposes of RCW 72.05.010 through 72.05.210 are: To provide for every child with behaviour problems, ~~((defective and feeble-minded))~~ mentally and physically handicapped persons, and deaf and blind children, within the purview of RCW 72.05.010 through 72.05.210, as now or hereafter amended, such care, guidance and instruction, control and treatment as will best serve the welfare of the child or person and society; to insure nonpolitical and qualified operation, supervision, management, and control of the Green Hill school, the Maple Lane school, the Naselle Youth Camp, the Cedar Creek Youth Camp, the Mission Creek Youth Camp, Echo Glen, the Cascadia Diagnostic Center, Lakeland Village, Rainier school, the Yakima Valley school, Interlake school, Fircrest school, the Francis Haddon Morgan Center, the Child Study and Treatment Center and Secondary School of Western State Hospital, the state school for the blind, ~~((and))~~ the state school for the deaf, and like residential state schools,

camp and centers hereafter established, and to place them under the department of social and health services; and to provide for the persons committed or admitted to those schools that type of care, instruction, and treatment most likely to accomplish their rehabilitation and restoration to normal citizenship.

Sec. 8. Section 72.05.130, chapter 28, Laws of 1959 as amended by section 179, chapter 141, Laws of 1979 and RCW 72.05.130 are each amended to read as follows:

The department shall establish, maintain, operate and administer a comprehensive program for the custody, care, education, treatment, instruction, guidance, control and rehabilitation of all persons who may be committed or admitted to institutions, schools, or other facilities controlled and operated by the department, except for the programs of education provided pursuant to sections 2 through 4 of this amendatory act, as now or hereafter amended, which shall be established, operated and administered by the school district conducting the program, and in order to accomplish these purposes, the powers and duties of the secretary shall include the following:

(1) The assembling, analyzing, tabulating, and reproduction in report form, of statistics and other data with respect to children with behavior problems in the state of Washington, including, but not limited to, the extent, kind, and causes of such behavior problems in the different areas and population centers of the state. Such reports shall not be open to public inspection, but shall be open to the inspection of the governor and to the superior court judges of the state of Washington.

(2) The establishment and supervision of diagnostic facilities and services in connection with the custody, care, and treatment of (~~defective, feeble-minded~~) mentally and physically handicapped, and behavior problem children who may be committed or admitted to any of the institutions, schools, or facilities controlled and operated by the department, or who may be referred for such diagnosis and treatment by any superior court of this state. Such diagnostic services may be established in connection with, or apart from, any other state institution under the supervision and direction of the secretary. Such diagnostic services shall be available to the superior courts of the state for persons referred for such services by them prior to commitment, or admission to, any school, institution, or other facility. Such diagnostic services shall also be available to other departments of the state.

(3) The supervision of all persons committed or admitted to any institution, school, or other facility operated by the department, and the transfer of such persons from any such institution, school, or facility to any other such school, institution, or facility: **PROVIDED**, That where a person has been committed to a minimum security institution, school, or facility by any of the superior courts of this state, a transfer to a close security institution

shall be made only with the consent and approval of such court. This shall not apply to the state school for the deaf or the state school for the blind.

(4) The supervision of parole, discharge, or other release, and the post-institutional placement of all persons committed to Green Hill school and Maple Lane school, or such as may be assigned, paroled, or transferred therefrom to other facilities operated by the department. Green Hill school and Maple Lane school are hereby designated as "close security" institutions to which shall be given the custody of children with the most serious behavior problems.

Sec. 9. Section 72.05.140, chapter 28, Laws of 1959 as amended by section 180, chapter 141, Laws of 1979 and RCW 72.05.140 are each amended to read as follows:

The department, in order to provide educational facilities and programs for persons admitted or committed to ~~((any of the institutions, schools or facilities herein provided))~~ the state schools for the deaf and blind, is authorized either to:

(1) Enter into an agreement with the ~~((local))~~ school district within which the institution is situated ~~((or with any other local school district conveniently located in the region))~~, or

(2) Provide a comprehensive school program in connection with any institution as if that institution were itself a local school system.

In the event that either option is exercised, all teachers shall meet all certification requirements and the program shall conform to the usual standards defined by law or by regulations of the state board of education or the office of the state superintendent of public instruction and/or other recognized national certifying agencies.

Sec. 10. Section 72.20.040, chapter 28, Laws of 1959 as last amended by section 229, chapter 141, Laws of 1979 and RCW 72.20.040 are each amended to read as follows:

The superintendent, subject to the direction and approval of the secretary shall:

(1) Have general supervision and control of the grounds and buildings of the institution, the subordinate officers and employees, and the inmates thereof, and all matters relating to their government and discipline.

(2) Make such rules, regulations and orders, not inconsistent with law or with the rules, regulations or directions of the secretary, as may seem to him proper or necessary for the government of such institution and for the employment, discipline and education of the inmates, except for the program of education provided pursuant to sections 2 through 4 of this amendatory act, as now or hereafter amended, which shall be governed by the school district conducting the program.

(3) Exercise such other powers, and perform such other duties as the secretary may prescribe.

Sec. 11. Section 4, chapter 18, Laws of 1967 ex. sess. as amended by section 235, chapter 141, Laws of 1979 and RCW 72.30.040 are each amended to read as follows:

The superintendent shall have the following powers, duties and responsibilities:

(1) Subject to the rules and regulations of the department and the state personnel board, he shall appoint all subordinate officers and employees.

(2) Subject to the rules and regulations of the department, he shall supervise and manage the school, grounds, buildings and equipment, the subordinate officers and employees, and the persons committed, admitted or transferred to such school and shall have custody of such persons until they are released, discharged or transferred as provided by law.

(3) He shall be the custodian of the personal property of all residents of the school subject to the provisions of RCW 72.33.180 as now or hereafter amended.

(4) Subject to the approval of the secretary, he shall be authorized to establish such industrial, vocational, educational or training programs as would be most beneficial to the residents of such school, except for the program of education provided pursuant to sections 2 through 4 of this amendatory act, as now or hereafter amended.

(5) Except as otherwise provided in this chapter, he shall administer the institution in accordance with the provisions of chapter 72.33 RCW.

Sec. 12. Section 72.33.040, chapter 28, Laws of 1959 as last amended by section 62, chapter 80, Laws of 1977 ex. sess. and RCW 72.33.040 are each amended to read as follows:

The superintendent of a state school appointed after June 12, 1957 shall be a person of good character, and either a physician licensed to practice in the state of Washington or has attained a minimum of a master's degree from an accredited college or university in psychology, social science, or education, and in addition shall have had suitable experience in an administrative or professional capacity in the residential care, treatment and training of handicapped persons.

The superintendent shall have custody of all residents and control of the medical, educational, therapeutic and dietetic treatment of all persons resident in such state school, except for the program of education provided pursuant to sections 2 through 4 of this amendatory act, as now or hereafter amended, which the school district conducting the program shall have control of and joint custody of such residents in connection therewith: PROVIDED, That the superintendent shall cause surgery to be performed on any resident only upon gaining the consent of a parent, guardian, or limited guardian as authorized, except, if after reasonable effort to locate the parents, guardian, or limited guardian as authorized, and the health of such resident is certified by the attending physician to be jeopardized unless such surgery is performed, the required consent shall not be necessary.

The superintendent shall have control of the internal government and economy of the state school and shall appoint and direct all subordinate officers and employees: PROVIDED, That the powers and duties conferred upon the superintendent shall be subject to the rules and regulations of the department and the state personnel board.

The superintendent shall have authority to engage the residents of the state school in beneficial work programs but shall not abuse such therapy by excessive hours or for purposes of discipline or punishment.

Sec. 13. Section 72.33.050, chapter 28, Laws of 1959 and RCW 72.33-.050 are each amended to read as follows:

There shall be an educational (~~((department))~~) program created and maintained (~~((within))~~) for each ((state)) residential school pursuant to sections 2 through 4 of this amendatory act, as now or hereafter amended, and for the state schools for the deaf and blind which shall provide a comprehensive program of academic, vocational, recreational and other educational services best adapted to meet the needs and capabilities of each resident therein whether such resident must always live within the protected community of the school or can be prepared and assisted to live without.

The (~~((department))~~) superintendent of public instruction shall assist the state schools in all feasible ways including financial aid so that the educational programs maintained therein shall be comparable to such programs advocated by the (~~((department))~~) superintendent of public instruction for children with similar aptitudes in local school districts.

Within its available resources, each state school shall, upon request from a local school district, provide such clinical, counseling and evaluating services as may assist the local district lacking such professional resources in determining the needs of its exceptional children.

NEW SECTION. Sec. 14. Sections 1 through 5 of this amendatory act are added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW.

NEW SECTION. Sec. 15. The following acts or parts of acts are each repealed:

(1) Section 72.16.070, chapter 28, Laws of 1959 and RCW 72.16.070; and

(2) Section 72.20.080, chapter 28, Laws of 1959, section 231, chapter 141, Laws of 1979 and RCW 72.20.080.

NEW SECTION. Sec. 16. This act shall take effect on September 1, 1979.

NEW SECTION. Sec. 17. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or

the application of the provision to other persons or circumstances is not affected.

Passed the Senate May 25, 1979.

Passed the House May 16, 1979.

Approved by the Governor June 4, 1979.

Filed in Office of Secretary of State June 4, 1979.

CHAPTER 218

[House Bill No. 320]

PROPERTY TAX LEVIES—LIMITATION

AN ACT Relating to revenue and taxation; amending section 1, chapter 133, Laws of 1967 ex. sess. as last amended by section 106, chapter 195, Laws of 1973 1st ex. sess. and RCW 84.52.065; amending section 20, chapter 288, Laws of 1971 ex. sess. as amended by section 1, chapter 67, Laws of 1973 1st ex. sess. and RCW 84.55.010; amending section 24, chapter 288, Laws of 1971 ex. sess. as amended by section 109, chapter 195, Laws of 1973 1st ex. sess. and RCW 84.55.050; adding a new section to chapter 43.09 RCW; adding new sections to chapter 84.55 RCW; and declaring an emergency.

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

Section 1. Section 1, chapter 133, Laws of 1967 ex. sess. as last amended by section 106, chapter 195, Laws of 1973 1st ex. sess. and RCW 84.52.065 are each amended to read as follows:

Subject to the limitations in RCW 84.55.010, in each year the state shall levy for collection in the following year for the support of common schools of the state a tax of three dollars and sixty cents per thousand dollars of assessed value upon the assessed valuation of all taxable property within the state adjusted to the state equalized value in accordance with the indicated ratio fixed by the state department of revenue.

Sec. 2. Section 20, chapter 288, Laws of 1971 ex. sess. as amended by section 1, chapter 67, Laws of 1973 1st ex. sess. and RCW 84.55.010 are each amended to read as follows:

Except as provided in ((~~RCW 84.55.020 through 84.55.050~~)) this chapter, the levy ((~~in 1973 and years subsequent thereto~~)) for a taxing district ((~~other than the state or a school district~~)) in any year shall be set so that the regular property taxes payable in the following year shall not exceed one hundred six percent of the amount of regular property taxes lawfully levied for such district in the highest of the three most recent years in which such taxes were levied for such district plus an additional dollar amount calculated by multiplying the increase in assessed value in that district resulting from new construction ((~~and~~)), improvements to property, and any increase in the assessed value of state-assessed property by the regular property tax levy rate of that district for the preceding year.

Sec. 3. Section 24, chapter 288, Laws of 1971 ex. sess. as amended by section 109, chapter 195, Laws of 1973 1st ex. sess. and RCW 84.55.050 are each amended to read as follows:

Subject to any otherwise applicable statutory dollar rate limitations, regular property taxes may be levied by or for a taxing district in an amount exceeding the limitations provided for in (~~RCW 84.55.010 through 84.55.040~~) this chapter if such levy is authorized by a proposition approved by a majority of the voters of the taxing district voting on the proposition at a general election held within the district or at a special election within the taxing district called by the district for the purpose of submitting such proposition to the voters. Any election held pursuant to this section shall be held not more than twelve months prior to the date on which the proposed levy is to be made. The ballot of the proposition shall state the dollar rate proposed.

After a levy authorized pursuant to this section is made, the dollar amount of such levy shall be used for the purpose of computing the limitations for subsequent levies provided for in this chapter.

NEW SECTION. Sec. 4. There is added to chapter 84.55 RCW a new section to read as follows:

If a taxing district has not levied in the three most recent years and elects to restore a regular property tax levy subject to applicable statutory limitations then such first restored levy shall be set so that the regular property tax payable shall not exceed the amount which could have been lawfully levied in 1973, plus an additional dollar amount calculated by multiplying the increase in assessed value in the district since 1973 resulting from new construction and improvements to property by the property tax rate which is proposed to be restored, or the maximum amount which could be lawfully levied in the year such a restored levy is proposed.

NEW SECTION. Sec. 5. There is added to chapter 84.55 RCW a new section to read as follows:

RCW 84.55.010 shall not apply to the first levy by or for a newly-formed taxing district created other than by consolidation or annexation.

This section shall be retroactive in effect and shall be deemed to validate any levy within its scope, even though the levy has been made prior to the effective date of this act.

NEW SECTION. Sec. 6. There is added to chapter 84.55 RCW a new section to read as follows:

The department of revenue shall adopt rules relating to the calculation of tax rates and the limitation in RCW 84.55.010, conduct an educational program on this subject, and take any other action necessary to insure compliance with the statutes and rules on this subject.

NEW SECTION. Sec. 7. There is added to chapter 43.09 RCW a new section to read as follows:

The state auditor, through the division of municipal corporations, shall review the tax levies of all municipal corporations in the regular examinations under RCW 43.09.260.

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: PROVIDED, That the amendment to RCW 84.55.010 by section 2 of this act shall be effective for 1979 levies for taxes collected in 1980, and for subsequent years.

Passed the House May 15, 1979.

Passed the Senate May 10, 1979.

Approved by the Governor June 4, 1979.

Filed in Office of Secretary of State June 4, 1979.

CHAPTER 219

[Second Substitute House Bill No. 418]

VICTIMS OF SEXUAL ASSAULT ACT—VICTIMS OF CRIMES, ASSISTANCE, COMPENSATION

AN ACT Relating to victims of crime; amending section 9, chapter 302, Laws of 1977 ex. sess. and RCW 7.68.065; adding new sections to chapter 7.68 RCW; and adding a new chapter to Title 70 RCW].

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

NEW SECTION. Section 1. This chapter may be known and cited as the Victims of Sexual Assault Act.

NEW SECTION. Sec. 2. (1) The legislature hereby finds and declares that:

(a) Sexual assault has become one of the most rapidly increasing violent crimes over the last decade;

(b) There is a lack of essential information and data concerning sexual assault;

(c) There is a lack of adequate training for law enforcement officers concerning sexual assault, the victim, the offender, and the investigation;

(d) There is a lack of community awareness and knowledge concerning sexual assault and the physical and psychological impact upon the victim;

(e) There is a lack of public information concerning sexual assault prevention and personal self-protection;

(f) Because of the lack of information, training, and services, the victims of sexual assault are not receiving the assistance they require in dealing with the physical and psychological trauma of a sexual assault;

(g) The criminal justice system and health care system should maintain close contact and cooperation with each other and with community rape crisis centers to expedite the disposition of sexual assault cases; and

(h) Persons who are victims of sexual assault will benefit directly from increased public awareness and education, increased prosecutions, and a criminal justice system which treats them in a humane manner.

(2) Therefore, a state-wide sexual assault education, training, and consultation program should be developed. Such a state-wide program should seek to improve treatment of victims through information-gathering, education, training, community awareness programs, and by increasing the efficiency of the criminal justice and health care systems as they relate to sexual assault. Such a program should serve a consultative and facilitative function for organizations which provide services to victims and potential victims of sexual assault.

NEW SECTION. Sec. 3. As used in this chapter and unless the context indicates otherwise:

(1) "Department" means the department of social and health services.

(2) "Law enforcement agencies" means police and sheriff's departments of this state.

(3) "Personal representative" means a friend, relative, attorney, or employee or volunteer from a rape crisis center.

(4) "Rape crisis center" means a community-based social service agency which provides services to victims of sexual assault.

(5) "Secretary" means the secretary of the department of social and health services.

(6) "Sexual assault" means one or more of the following:

(a) Rape or statutory rape;

(b) Assault with intent to commit rape;

(c) Incest or indecent liberties; or

(d) An attempt to commit any of the aforementioned offenses.

(7) "Victim" means any person who suffers physical and/or mental anguish as a proximate result of a sexual assault.

NEW SECTION. Sec. 4. The department shall establish a centralized office within the department to coordinate activities of programs relating to sexual assault and to facilitate coordination and dissemination of information to personnel in fields relating to sexual assault.

The department shall develop, with the cooperation of the criminal justice training commission, the attorney general's office, the medical profession, and existing rape crisis centers, a state-wide plan to aid organizations which provide services to victims of sexual assault.

NEW SECTION. Sec. 5. The state-wide program established under section 4 of this act shall include but not be limited to provision of the following services: PROVIDED, That the department shall utilize existing rape crisis centers and contract, where appropriate, with these centers to provide the services identified in this section:

(1) Assistance to the criminal justice training commission in developing and offering training and education programs for criminal justice personnel on the scope and nature of the sexual assault problem;

(2) Assistance to health care personnel in training for the sensitive handling and correct legal procedures of sexual assault cases;

(3) Development of public education programs to increase public awareness concerning sexual assault in coordination with the activities of the attorney general's crime prevention efforts; and

(4) Technical assistance and advice to rape crisis centers, including the organization of existing community resources, volunteer training, identification of potential funding sources, evaluation, and education. Assistance shall be given for the development of additional programs in areas of the state where such services do not exist.

NEW SECTION. Sec. 6. If the victim of a sexual assault so desires, a personal representative of the victim's choice may accompany the victim to the hospital or other health care facility, and to proceedings concerning the alleged assault, including police and prosecution interviews and court proceedings.

NEW SECTION. Sec. 7. The Victims of Sexual Assault Act shall terminate on June 30, 1985, and shall be subject to all of the processes provided in RCW 43.131.010 through 43.131.110 as now existing or hereafter amended.

NEW SECTION. Sec. 8. To carry out the provisions of this act there is appropriated from the general fund to the department of social and health services for the biennium ending June 30, 1981, the sum of three hundred fifty thousand dollars, or so much thereof as may be necessary to carry out the purposes of this act.

NEW SECTION. Sec. 9. Sections 1 through 7 of this act shall constitute a new chapter in Title 70 RCW.

Sec. 10. Section 9, chapter 302, Laws of 1977 ex. sess. and RCW 7.68-.065 are each amended to read as follows:

Each law enforcement agency to which a criminal act has been reported and which criminal act results in physical injury or death to a victim shall make a reasonable effort to inform the known victim or his surviving dependent(s) of the existence of this chapter and the procedure for making application for benefits provided by this chapter. In any criminal case wherein the victim has sustained physical, emotional, or financial trauma, the law enforcement agency shall make a reasonable effort to inform the known victim of the existence and method of contacting agencies which may be able to assist the victim. Such list of agencies shall include public or private organizations that provide support for victims of crime: PROVIDED, That the failure to so act ((with)) under this section shall not stay the operation of RCW 7.68.060.

NEW SECTION. Sec. 11. There is added to chapter 7.68 RCW a new section to read as follows:

No costs incurred by a hospital or other emergency medical facility for the examination of the victim of a sexual assault, when such examination is performed for the purposes of gathering evidence for possible prosecution, shall be billed or charged directly or indirectly to the victim of such assault. Such costs shall be paid by the state pursuant to this chapter.

NEW SECTION. Sec. 12. The prosecutor or the department may, at any time after the person's arraignment petition any superior court for an order, following notice and hearing, directing that any contract described in section 13 shall be paid in accordance with sections 12 through 20 of this 1979 act.

NEW SECTION. Sec. 13. After hearing, as provided in section 12 of this act, every person, firm, corporation, partnership, association or other legal entity contracting with any person or the representative or assignee of any person, accused or convicted of a crime in this state, with respect to the reenactment of such crime, by way of a movie, book, magazine article, tape recording, phonograph record, radio or television presentation, live entertainment of any kind, or from the expression of such accused or convicted person's thoughts, feelings, opinion or emotions regarding such crime, shall submit a copy of such contract to the department and pay over to the department any moneys which would otherwise, by terms of such contract, be owing to the person so accused or convicted or his representatives. The department shall deposit such moneys in an escrow account for the benefit of and payable to any victim or the legal representative of any victim of crimes committed by: (i) such convicted person; or (ii) such accused person, but only if such accused person is eventually convicted of the crime and provided that such victim, within five years of the date of the establishment of such escrow account, brings a civil action in a court of competent jurisdiction and recovers a money judgment for damages against such person or his representatives.

NEW SECTION. Sec. 14. The department, at least once every six months for five years from the date it receives such moneys, shall cause to have published a legal notice in newspapers of general circulation in the county wherein the crime was committed and in counties contiguous to such county advising such victims that such escrow moneys are available to satisfy money judgments pursuant to this section. For crimes committed in a city located within a county having a population of one million or more, the notice provided for in this section shall be in newspapers having general circulation in such city. The department may, in its discretion, provide for such additional notice as it deems necessary.

NEW SECTION. Sec. 15. Upon dismissal of charges or acquittal of any accused person the department shall immediately pay over to such accused person the moneys in the escrow account established on behalf of such accused person.

NEW SECTION. Sec. 16. Upon a showing by any convicted person that five years have elapsed from the establishment of such escrow account and further that no actions are pending against such convicted person pursuant to this act, the department shall immediately pay over any moneys in the escrow account to such person or his legal representatives.

NEW SECTION. Sec. 17. For purposes of this act, a person found not guilty as a result of the defense of mental disease or defect shall be deemed to be a convicted person.

NEW SECTION. Sec. 18. Notwithstanding any inconsistent provision of the civil practice and rules with respect to the timely bringing of an action, the five year period provided for in section 13 of this act shall not begin to run until an escrow account has been established.

NEW SECTION. Sec. 19. Notwithstanding the foregoing provisions of this act the department shall make payments from an escrow account to any person accused or convicted of a crime upon the order of a court of competent jurisdiction after a showing by such person that such moneys shall be used for the exclusive purpose of retaining legal representation at any stage of the proceedings against such person, including the appeals process.

NEW SECTION. Sec. 20. Any action taken by any person accused or convicted of a crime, whether by way of execution of a power of attorney, creation of corporate entities or otherwise, to defeat the purpose of this act shall be null and void as against the public policy of this state.

NEW SECTION. Sec. 21. Sections 12 through 20 of this act are each added to chapter 7.68 RCW.

NEW SECTION. Sec. 22. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the House May 15, 1979.

Passed the Senate May 10, 1979.

Approved by the Governor June 4, 1979.

Filed in Office of Secretary of State June 4, 1979.

CHAPTER 220

[Substitute House Bill No. 1075]

OPERATING AGENCIES—THERMAL POWER PLANTS—PERFORMANCE
AUDITS

AN ACT Relating to operating agencies; providing for the appointment of an independent administrative auditor and prescribing the duties of such auditor; requiring management performance audits of the operating agency by at least one qualified independent firm and the evaluation of such audits by the legislative budget committee; subjecting operating agencies to the open public meetings act and the public disclosure act; and adding new sections to chapter 43.52 RCW.

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

NEW SECTION. Section 1. There is added to chapter 43.52 RCW a new section to read as follows:

The board of directors of any operating agency constructing or operating a thermal power plant under a site certification agreement issued pursuant to chapter 80.50 RCW shall appoint an administrative auditor. The administrative auditor shall be deemed an officer under chapter 42.23 RCW. The appointment of the administrative auditor shall be in addition to the appointment of the auditor for the issuance of warrants and other purposes as provided in RCW 43.52.375. The board shall retain a qualified firm or firms to conduct performance audits, including such engineering expertise as the board deems necessary, which is in fact independent and does not have any interest, direct or indirect, in any contract with the operating agency other than its employment hereunder. No member or employee of any such firm shall be connected with the operating agency as an officer, employee, or contractor. The administrative auditor and the firm or firms shall be independently and directly responsible to the board of directors of the operating agency. The board shall require a firm to conduct continuing audits of the methods, procedures and organization used by the operating agency to control costs, schedules, productivity, contract amendments, project design and any other topics deemed desirable by the board. The board may also require a firm to analyze particular technical aspects of the operating agency's projects and contract amendments. The firm or firms shall provide advice to the board in its management and control of the operating agency. At least once each year, the firm or firms shall prepare and furnish a report of its actions and recommendations to the board for the purpose of enabling it to attain the highest degree of efficiency in the management and control of any thermal power project under construction or in operation. The administrative auditor shall assist the firm or firms in the performance of its duties. The administrative auditor and the firm or firms shall consult regularly with the board and furnish any information or data to the board which the administrative auditor, firm, or board deems helpful in accomplishing the purpose above stated. The administrative auditor shall perform such other duties as the board shall prescribe to accomplish the purposes of this section.

In addition to the powers and duties conferred by chapter 44.28 RCW, the legislative budget committee shall evaluate such management audits as to adequacy and effectiveness of procedure and shall consult with and make

reports and recommendations to the board. The operating agency shall reimburse the legislative budget committee for all costs of furnishing such services.

The operating agency shall file a copy of each firm's reports, and the legislative budget committee shall file a copy of each of its reports or recommendations in a timely manner, prepared in accordance with this section, with the respective chairmen of the senate and house energy and utilities committees. Upon the concurrent request of the chairmen of the senate or house energy and utilities committees, the operating agency shall report to the committees on a quarterly basis.

***NEW SECTION. Sec. 2. There is added to chapter 43.52 RCW a new section to read as follows:**

The legislature hereby declares that an operating agency or joint operating agency created by or under authorization of this chapter is an "agency" within the definition and meaning set forth in RCW 42.17.020(1) and a "public agency" under the definition and meaning set forth in RCW 42.30.020. As such an "agency", each operating agency, joint operating agency and each and every subagency, board, committee, commission, participating agency or any other internal organization thereof, however designated, shall be fully subject to chapter 42.30 RCW and chapter 42.17 RCW.

***Sec. 2 was vetoed, see message at end of chapter.**

Passed the House May 7, 1979.

Passed the Senate May 1, 1979.

Approved by the Governor June 4, 1979 with the exception of Section 2, which is vetoed.

Filed in Office of Secretary of State June 4, 1979.

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. 1075 entitled:

"AN ACT Relating to operating agencies;"

The obvious intent of this bill as contained in Section 1 is to assure the opportunity for review of thermal power plant construction and management by both qualified auditors and the general public. This is a reasonable practice in the management of public services. Section 2 makes the construction and management of thermal power plants subject to the "disclosure" and "public meeting" laws. It does so by citing both of these statutes. The problem arises in Section 2 where the definition of scope is set out. The terms "participating agency or other internal organization thereof" are not consistent with the scope of either of the two cited statutes, nor do the terms have any more exact definition by statutes or in common usage. Therefore, the limits of application for this section are unclear. It could be interpreted to demand public meetings for contractors who are supplying pencils to the power plant. The mandate is unreasonable and it would be impossible to comply. Further, since thermal power plants are now subject to the disclosure and public meeting statutes, a more certain application of these laws should be used.

For these reasons, I have vetoed Section 2 of Substitute House Bill No. 1075."

CHAPTER 221

[Substitute House Bill No. 740]

HANDICAPPED PERSONS—TRAINING AND REHABILITATION
FACILITIES—BOND ISSUE—REFERENDUM

AN ACT Relating to state and local facilities for the care, training, and rehabilitation of persons with sensory, physical, or mental handicaps; authorizing the sale and issuance of state general obligation bonds and bond anticipation notes to provide funds for these needed facilities throughout the state; providing ways and means to pay the bonds and notes; adding a new chapter to Title 43 RCW; and providing for the submission of this act to a vote of the people.

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

NEW SECTION. Section 1. The physical and mental health of the people of the state directly affects the achievement of economic progress and full employment. The establishment of a system of regional and community facilities for the care, training, and rehabilitation of persons with sensory, physical, or mental handicaps will provide the improved and convenient services needed for an efficient work force and a healthy and secure people.

NEW SECTION. Sec. 2. For the purpose of financing the planning, acquisition, construction, renovation, improvement, and equipping of regional and community facilities for the care, training, and rehabilitation of persons with sensory, physical, or mental handicaps, the state finance committee is authorized to issue and sell general obligation bonds of the state of Washington in the sum of twenty-five million dollars, or so much thereof as may be required, to finance these projects and all costs incidental thereto. No bonds or bond anticipation notes authorized by this chapter shall be offered for sale without prior legislative appropriation and the 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. 3. As used in this chapter, the term "facilities for the care, training, and rehabilitation of persons with sensory, physical, or mental handicaps" means real property and any interest therein, equipment, buildings, structures, mobile units, parking facilities, utilities, landscaping, and all incidental improvements and appurtenances thereto, developed and owned by any public body within the state for purposes of the care, training, and rehabilitation of persons with sensory, physical, or mental handicaps when used in the following limited programs as designated by the Department of Social and Health Services: nonprofit group training homes, community centers, close to home living units, sheltered workshops, vocational rehabilitation centers, developmental disability training centers, and community homes for the mentally ill.

As used in this chapter, the term "public body" means the state of Washington, or any agency, political subdivision, taxing district, or municipal corporation thereof.

NEW SECTION. Sec. 4. When the state finance committee has determined to issue the general obligation bonds, or a portion thereof, it may, pending the issuance of the bonds, issue in the name of the state temporary notes in anticipation of the bonds, which notes shall be designated as "bond anticipation notes." Such portion of the proceeds of the sale of the bonds as may be required for the payment of principal of and redemption premium, if any, and interest on the notes shall be applied thereto when the bonds are issued.

NEW SECTION. Sec. 5. The state finance committee is authorized to determine the amounts, dates, form, terms, conditions, denominations, interest rates, maturities, rights and manner of redemption prior to maturity, registration privileges, place(s) of payment, and covenants of the bonds and the bond anticipation notes; the time or times of sale of all or any portion of them; and the conditions and manner of their sale, issuance, and redemption.

NEW SECTION. Sec. 6. Each bond and bond anticipation note shall state that it is a general obligation of the state of Washington, shall contain a pledge of the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain the state's unconditional promise to pay the principal and interest as the same shall become due.

NEW SECTION. Sec. 7. The proceeds from the sale of the bonds and bond anticipation notes authorized in this chapter, together with all grants, donations, transferred funds, and all of the moneys which the state finance committee or the state department of social and health services may direct the state treasurer to deposit therein, shall be deposited in the 1979 handicapped facilities construction account in the state general fund, hereby created in the state treasury: **PROVIDED**, That such portion of the proceeds of the sale of the bonds as may be required for the payment of the principal of and the interest on any outstanding bond anticipation notes, together with accrued interest on the bonds received from the purchasers upon their delivery, shall be deposited in the 1979 handicapped facilities bond retirement fund.

NEW SECTION. Sec. 8. Subject to legislative appropriation, all principal proceeds of the bonds and bond anticipation notes authorized in this chapter shall be administered by the state department of social and health services exclusively for the purposes specified in this chapter and for the payment of expenses incurred in connection with the sale and issuance of the bonds and bond anticipation notes.

In carrying out the purposes of this chapter all counties of the state shall be eligible to participate in the distribution of the bond proceeds. The share coming to each county shall be determined by a division among all counties according to the relation which the population of each county, as shown by the last federal or official state census, whichever is the later, bears to the total combined population of all counties, as shown by such census. No single project in a class AA county shall be eligible for more than fifteen percent of such county's total distribution of bond proceeds.

In carrying out the purposes specified in this chapter, the department may use or permit the use of the proceeds by direct expenditures, grants, or loans to any public body, including but not limited to grants to a public body as matching funds in any case where federal, local, or other funds are made available on a matching basis for purposes specified in this chapter.

NEW SECTION. Sec. 9. The 1979 handicapped facilities bond redemption fund, hereby created in the state treasury, shall be used for the purpose of the payment of the principal of and redemption premium, if any, and interest on the bonds and the bond anticipation notes authorized to be issued under this chapter.

The state finance committee, on or before June 30 of each year, shall certify to the state treasurer the amount required in the next succeeding twelve months for the payment of the principal of and interest coming due on the bonds. Not less than thirty days prior to the date on which any interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenue received in the state treasury and deposit in the 1979 handicapped facilities bond redemption fund an amount equal to the amount certified by the state finance committee to be due on the payment date.

If a state general obligation bond retirement fund is created in the state treasury by chapter ... (SB 2361 or HB 569), Laws of 1979 1st ex. sess., and becomes effective by statute prior to the issuance of any of the bonds authorized by this chapter, the state general obligation bond retirement fund shall be used for purposes of this chapter in lieu of the 1979 handicapped facilities bond redemption fund, and the 1979 handicapped facilities bond redemption fund shall cease to exist.

NEW SECTION. Sec. 10. The legislature may provide additional means for raising moneys for the payment of the principal of and the interest on the bonds authorized in this chapter, and this chapter shall not be deemed to provide an exclusive method for the payment.

NEW SECTION. Sec. 11. The bonds authorized in this chapter shall constitute a legal investment for all state funds or for funds under state control and all funds of municipal corporations.

NEW SECTION. Sec. 12. Sections 1 through 11 of this act shall constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 13. 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. 14. This 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 next succeeding general election to be held in this state, all in accordance with the provisions of Article II, section 1 of the state Constitution, as amended, and the laws adopted to facilitate the operation thereof.

Passed the House June 1, 1979.

Passed the Senate June 1, 1979.

Filed in Office of Secretary of State June 11, 1979.

CHAPTER 222

[Engrossed Senate Bill No. 2062]

PUBLIC PERFORMING AND VISUAL ARTS CENTER FACILITIES— OPERATION, FINANCING

AN ACT Relating to performing and visual arts center facilities; amending section 5, chapter 236, Laws of 1967 as amended by section 1, chapter 34, Laws of 1973 2nd ex. sess. and RCW 67.28.120; amending section 6, chapter 236, Laws of 1967 as amended by section 2, chapter 34, Laws of 1973 2nd ex. sess. and RCW 67.28.130; amending section 9, chapter 236, Laws of 1967 as amended by section 3, chapter 34, Laws of 1973 2nd ex. sess. and RCW 67.28.160; amending section 10, chapter 236, Laws of 1967 as amended by section 4, chapter 34, Laws of 1973 2nd ex. sess. and RCW 67.28.170; and amending section 14, chapter 236, Laws of 1967 as last amended by section 6, chapter 34, Laws of 1973 2nd ex. sess. and RCW 67.28.210.

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

Section 1. Section 5, chapter 236, Laws of 1967 as amended by section 1, chapter 34, Laws of 1973 2nd ex. sess. 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, performing arts center facilities, and/or visual art 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, performing arts center facilities, or visual arts 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 as amended by section 2, chapter 34, Laws of 1973 2nd ex. sess. 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, performing arts center facilities, and/or visual art 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 as amended by section 3, chapter 34, Laws of 1973 2nd ex. sess. 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, performing arts center facilities, and/or visual arts 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 as amended by section 4, chapter 34, Laws of 1973 2nd ex. sess. 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, performing arts center facilities, and/or visual arts 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, performing arts center facilities, and/or visual arts 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~~) such 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, performing arts center, and/or visual arts center facilities purposes.

Sec. 5. Section 14, chapter 236, Laws of 1967 as last amended by section 6, chapter 34, Laws of 1973 2nd 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, performing arts center facilities, and/or visual arts 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, or to pay for advertising, publicizing, or otherwise distributing information for the purpose of attracting visitors and encouraging tourist expansion when a county or city has imposed such tax for such purpose, or as one of the purposes hereunder, 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.

Passed the Senate March 27, 1979.

Passed the House June 1, 1979.

Approved by the Governor June 15, 1979.

Filed in Office of Secretary of State June 15, 1979.

CHAPTER 223

[Substitute Senate Bill No. 2243]

INSTITUTIONS OF HIGHER EDUCATION—BUILDINGS AND FACILITIES—
BOND ISSUE

AN ACT Relating to institutions of higher education; providing for the acquisition, construction, remodeling, furnishing, and equipping of certain state buildings and facilities for institutions of higher education and the financing thereof by the issuance of bonds, including bond anticipation notes; adding a new chapter 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 fourteen million dollars, or so much thereof as may be required, to finance these projects, and all costs incidental thereto. No bonds authorized by this chapter shall be offered for sale without prior legislative appropriation, and these 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. When the state finance committee has determined to issue the general obligation bonds or a portion thereof as authorized in section 1 of this act, it may, pending the issuance thereof, issue in the name of the state temporary notes in anticipation of the issuance of the bonds, which notes shall be designated as "bond anticipation notes". Such portion of the proceeds of the sale of the bonds as may be required for the payment of principal of and redemption premium, if any, and interest on the notes shall be applied thereto when the bonds are issued.

NEW SECTION. Sec. 3. The state finance committee is authorized to prescribe the form, terms, conditions, and covenants of the bonds and/or the bond anticipation notes provided for in sections 1 and 2 of this act, the time or times of sale of all or any portion of them, and the conditions and manner of their sale and issuance.

Each bond and bond anticipation note shall pledge the full faith and credit of the state of Washington and shall contain an unconditional promise to pay the principal thereof and interest thereon when due.

NEW SECTION. Sec. 4. Except for that portion of the proceeds required to pay bond anticipation notes under section 2 of this act, the proceeds from the sale of the bonds and/or bond anticipation notes authorized in this chapter, 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 of the general fund in the state treasury. All such proceeds shall be used exclusively for the purposes specified in this chapter and for the payment of the expenses incurred in connection with the sale and issuance of the bonds and bond anticipation notes.

NEW SECTION. Sec. 5. The state higher education bond retirement fund of 1977 in the state treasury shall be used for the purpose of the payment of principal of and interest on the bonds authorized to be issued under this chapter or, if the legislature so determines, for any bonds and notes hereafter authorized and issued for the institutions of higher education.

The state finance committee, on or before June 30th of each year, shall certify to the state treasurer the amount required in the next succeeding twelve months for the payment of the principal of and the interest coming due on the bonds. Not less than thirty days prior to the date on which any interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the state higher education bond retirement fund of 1977 an amount equal to the amount certified by the state finance committee to be due on the payment date.

NEW SECTION. Sec. 6. The bonds authorized in sections 1 through 5 of this act shall constitute a legal investment for all state funds or for funds under state control and all funds of municipal corporations.

NEW SECTION. Sec. 7. Sections 1 through 6 of this act shall constitute a new chapter in Title 28B RCW.

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 May 8, 1979.

Passed the House May 31, 1979.

Approved by the Governor June 15, 1979.

Filed in Office of Secretary of State June 15, 1979.

CHAPTER 224

[Substitute Senate Bill No. 2244]

FISHERIES FACILITIES—BOND ISSUE

AN ACT Relating to the support of state government; providing for the planning, acquisition, construction, remodeling, improving, and equipping of fisheries facilities; providing for the financing thereof by the issuance of bonds and anticipation notes; creating new sections; 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 department of fisheries, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of six million dollars, or so much thereof as may be required, to finance these projects, and all costs incidental thereto. No bonds authorized by this act shall be offered for sale without prior legislative appropriation, and these 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. When the state finance committee has determined to issue the general obligation bonds or a portion thereof as authorized in section 1 of this act, it may, pending the issuance thereof, issue in the name of the state temporary notes in anticipation of the issuance of the bonds, which notes shall be designated as "bond anticipation notes". Such portion of the proceeds of the sale of the bonds as may be required for the payment of the principal and redemption premium, if any, and interest on the notes shall be applied thereto when the bonds are issued.

NEW SECTION. Sec. 3. The state finance committee is authorized to prescribe the form, terms, conditions, and covenants of the bonds and/or the bond anticipation notes provided for in sections 1 and 2 of this act, the time or times of sale of all or any portion of them, and the conditions and manner of their sale and issuance.

Each bond and bond anticipation note shall pledge the full faith and credit of the state of Washington and shall contain an unconditional promise to pay the principal thereof and interest thereon when due.

NEW SECTION. Sec. 4. Except for that portion of the proceeds required to pay bond anticipation notes under section 2 of this act, the proceeds from the sale of the bonds and/or bond anticipation notes authorized in sections 1 through 6 of this 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 fisheries capital projects account of the general fund in the state treasury. All of these proceeds shall be used exclusively for the purposes specified in sections 1 through 6 of this act and for the payment of the expenses incurred in connection with the sale and issuance of the bonds and bond anticipation notes.

NEW SECTION. Sec. 5. The 1977 fisheries bond retirement fund in the state treasury shall be used for the purpose of the payment of the principal of and interest on the bonds authorized to be issued under sections 1 through 6 of this act.

The state finance committee, on or before June 30th of each year, shall certify to the state treasurer the amount required in the next succeeding twelve months for the payment of the principal of and the interest coming due on the bonds. Not less than thirty days prior to the date on which any

interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the 1977 fisheries bond retirement fund an amount equal to the amount certified by the state finance committee to be due on the payment date.

NEW SECTION. Sec. 6. The bonds authorized in sections 1 through 5 of this act shall constitute 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 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 act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate May 8, 1979.

Passed the House May 31, 1979.

Approved by the Governor June 15, 1979.

Filed in Office of Secretary of State June 15, 1979.

CHAPTER 225

[Substitute Senate Bill No. 2249]

STATE FIRE SERVICE TRAINING CENTER—BOND ISSUE— APPROPRIATION

AN ACT Relating to the commission for vocational education; providing for the planning, acquisition, construction, remodeling, furnishing, and equipping of a state fire service training center for the commission for vocational education and the financing thereof by making appropriations and authorizing expenditures for capital improvements, and by the issuance of bonds, including bond anticipation notes; creating new sections; adding a new chapter to Title 28C RCW; making an appropriation; 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 planning, acquisition, construction, remodeling, furnishing and equipping of a state fire service training center for the commission for vocational education, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of three million five hundred thousand dollars, or so much thereof as may be required, to finance these projects, and all costs incidental thereto. No bonds authorized by this chapter shall be offered for sale without prior legislative appropriation, and these 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. When the state finance committee has determined to issue the general obligation bonds or a portion thereof as authorized in section 1 of this act, it may, pending the issuance thereof, issue in the name of the state temporary notes in anticipation of the issuance of the bonds, which notes shall be designated as "bond anticipation notes." Such portion of the proceeds of the sale of the bonds as may be required for the payment of principal of and redemption premium, if any, and interest on the notes shall be applied thereto when the bonds are issued.

NEW SECTION. Sec. 3. The state finance committee is authorized to prescribe the form, terms, conditions, and covenants of the bonds and/or the bond anticipation notes provided for in sections 1 and 2 of this act, the time or times of sale of all or any portion of them, and the conditions and manner of their sale and issuance.

Each bond and bond anticipation note shall pledge the full faith and credit of the state of Washington and shall contain an unconditional promise to pay the principal thereof and interest thereon when due.

NEW SECTION. Sec. 4. Except for that portion of the proceeds required to pay bond anticipation notes under section 2 of this act, the proceeds from the sale of the bonds and/or bond anticipation notes authorized in this chapter, 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 fire training construction account of the general fund in the state treasury. All of these proceeds shall be used exclusively for the purposes specified in this chapter and for the payment of the expenses incurred in connection with the sale and issuance of the bonds and bond anticipation notes.

NEW SECTION. Sec. 5. The 1977 state fire service training center bond retirement fund in the state treasury shall be used for the purpose of the payment of principal of and interest on the bonds and notes authorized under this chapter or, if the legislature so determines, for any bonds and notes hereafter authorized and issued for the commission for vocational education.

The state finance committee, on or before June 30th of each year, shall certify to the state treasurer the amount required in the next succeeding twelve months for the payment of the principal of and the interest coming due on the bonds. Not less than thirty days prior to the date on which any interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the 1977 state fire service training center bond retirement fund an amount equal to the amount certified by the state finance committee to be due on the payment date.

NEW SECTION. Sec. 6. The bonds authorized in this chapter shall constitute a legal investment for all state funds or for funds under state control and all funds of municipal corporations.

NEW SECTION. Sec. 7. Sections 1 through 6 of this act shall constitute a new chapter in Title 28C RCW.

NEW SECTION. Sec. 8. The following appropriation is hereby adopted for the commission for vocational education to design and construct a multi-phased fire service training center to serve the fire fighters of the state:

		Reappropriation	Appropriation
GF, Fire Trng Constr Acct		111,400	4,259,400
Project	Estimated	Estimated	Estimated
Costs	Costs	Total	Completion
Through	7/1/81 and	Costs	Date
6/30/79	Thereafter		
83,000	1,983,900	6,243,300	4/83

The dollar amounts specified in this section, or so much thereof as shall be sufficient to accomplish the purpose designated in this section, are hereby appropriated and authorized to be disbursed for this capital project during the period ending June 30, 1981, out of the fund named in this section. As used in this section, "GF, Fire Trng Constr Acct" means General Fund—Fire Training Construction Account.

NEW SECTION. Sec. 9. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

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

Passed the Senate May 12, 1979.

Passed the House May 31, 1979.

Approved by the Governor June 15, 1979.

Filed in Office of Secretary of State June 15, 1979.

CHAPTER 226

[Substitute Senate Bill No. 2250]

COMMUNITY COLLEGES—CAPITAL PROJECTS—BOND ISSUE—ADULT CORRECTIONAL FACILITIES—EDUCATIONAL SERVICE FEES

AN ACT Relating to community colleges; authorizing the issuance and sale of state general obligation bonds, including bond anticipation notes, to fund community college capital

projects; providing ways and means for the payment of the bonds; adding a new chapter to Title 28B RCW; amending section 6, chapter 14, Laws of 1979 and RCW 28B.50.140; and declaring an emergency.

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

NEW SECTION. Section 1. For the purpose of financing 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 as determined by the legislature in its capital appropriations act, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of twenty-four million dollars, or so much thereof as may be required, to finance such projects, and all costs incidental thereto. No bonds authorized by this chapter shall be offered for sale without prior legislative appropriation, and these 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. When the state finance committee has determined to issue the general obligation bonds, or a portion thereof, it may, pending the issuance thereof, issue in the name of the state temporary notes in anticipation of the issuance of the bonds, which notes shall be designated as "bond anticipation notes". Such portion of the proceeds of the sale of the bonds as may be required for the payment of principal of and redemption premium, if any, and interest on the notes shall be applied thereto when the bonds are issued.

NEW SECTION. Sec. 3. The state finance committee is authorized to determine the aggregate amounts, dates, form, terms, conditions, denominations, interest rates, maturities, rights and manner of redemption prior to maturity, registration privileges, place(s) of payment and covenants of the bonds and/or the bond anticipation notes, the time or times of sale of all or any portion of them, and the conditions and manner of their sale, issuance, and redemption.

Each bond and bond anticipation note shall state that it is a general obligation of the state of Washington, shall contain a pledge of the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain the state's unconditional promise to pay the principal and interest as the same shall become due.

NEW SECTION. Sec. 4. The proceeds from the sale of the bonds and/or bond anticipation notes authorized in this chapter, together with all grants, donations, transferred funds, and all other moneys which the state finance committee or the college board may direct the state treasurer to deposit therein, shall be deposited in the 1975 community college capital construction account in the state general fund: PROVIDED, That such portion of the proceeds of the sale of the bonds as may be required for the payment

of the principal of and interest on any outstanding bond anticipation notes, together with accrued interest and premium, if any, on the bonds received from the purchasers upon their delivery, shall be deposited in the 1975 community college capital construction bond retirement fund.

NEW SECTION. Sec. 5. Subject to legislative appropriation, all principal proceeds of the bonds and/or bond anticipation notes authorized in this chapter shall be administered by the college board exclusively for the purposes specified in this chapter and for the payment of the expenses incurred in connection with their sale and issuance.

NEW SECTION. Sec. 6. The 1975 community college capital construction bond retirement fund in the state treasury shall be used for the purpose of the payment of the principal of and redemption premium, if any, and interest on the bonds and/or the bond anticipation notes authorized to be issued under this chapter.

The state finance committee, on or before June 30th of each year, shall certify to the state treasurer the amount required in the next succeeding twelve months for the payment of the principal of and interest coming due on the bonds. Not less than thirty days prior to the date on which any interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the 1975 community college capital construction bond retirement fund an amount equal to the amount certified by the state finance committee to be due on the payment date.

NEW SECTION. Sec. 7. On or before June 30th of each year, the college board shall accumulate in the community college capital projects account from general tuition fees and other moneys deposited therein, an amount at least equal to the amount required in the next succeeding twelve months for the payment of principal of and interest on the bonds issued under this chapter. Not less than thirty days prior to the date on which any interest or principal and interest payment is due, the state treasurer shall withdraw the sum from the community college capital projects account and deposit the sum in the state general fund.

NEW SECTION. Sec. 8. The bonds authorized in this chapter shall constitute a legal investment for all state funds or for funds under state control and all funds of municipal corporations.

NEW SECTION. Sec. 9. The bonds authorized in this chapter shall be issued only after the college board has certified to the state finance committee that its anticipated general tuition fee revenue shall be adequate, based upon reasonable projections of student enrollments, for the college board to meet the requirements of section 7 of this act during the life of the bonds proposed to be issued.

NEW SECTION. Sec. 10. Sections 1 through 9 of this act shall constitute a new chapter in Title 28B RCW.

Sec. 11. Section 6, chapter 14, Laws of 1979 and RCW 28B.50.140 are each amended to read as follows:

Each community college board of trustees:

(1) Shall operate all existing community colleges and vocational-technical institutes in its district;

(2) Shall create comprehensive programs of community college education and training and maintain an open-door policy in accordance with the provisions of RCW 28B.50.090(3);

(3) Shall employ for a period to be fixed by the board a college president for each community college, a director for each vocational-technical institute or school operated by a community college, a district president, if deemed necessary by the board, in the event there is more than one college and/or separated institute or school located in the district, members of the faculty and such other administrative officers and other employees as may be necessary or appropriate and fix their salaries and duties;

(4) May establish, under the approval and direction of the college board, new facilities as community needs and interests demand;

(5) May establish or lease, operate, equip and maintain dormitories, food service facilities, bookstores and other self-supporting facilities connected with the operation of the community college;

(6) May, with the approval of the college board, borrow money and issue and sell revenue bonds or other evidences of indebtedness for the construction, reconstruction, erection, equipping with permanent fixtures, demolition and major alteration of buildings or other capital assets, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances, for dormitories, food service facilities, and other self-supporting facilities connected with the operation of the community college in accordance with the provisions of RCW 28B.10.300 through 28B.10.330 where applicable;

(7) May establish fees and charges for the facilities authorized hereunder, including reasonable rules and regulations for the government thereof, not inconsistent with the rules and regulations of the college board; each board of trustees operating a community college may enter into agreements, subject to rules and regulations of the college board, with owners of facilities to be used for housing regarding the management, operation, and government of such facilities, and any board entering into such an agreement may:

(a) Make rules and regulations for the government, management and operation of such housing facilities deemed necessary or advisable; and

(b) Employ necessary employees to govern, manage and operate the same;

(8) May receive such gifts, grants, conveyances, devises and bequests of real or personal property from private sources, as may be made from time to time, in trust or otherwise, whenever the terms and conditions thereof

will aid in carrying out the community college programs as specified by law and the regulations of the state college board; sell, lease or exchange, invest or expend the same or the proceeds, rents, profits and income thereof according to the terms and conditions thereof; and adopt regulations to govern the receipt and expenditure of the proceeds, rents, profits and income thereof;

(9) May establish and maintain night schools whenever in the discretion of the board of trustees it is deemed advisable, and authorize classrooms and other facilities to be used for summer or night schools, or for public meetings and for any other uses consistent with the use of such classrooms or facilities for community college purposes;

(10) May make rules and regulations for pedestrian and vehicular traffic on property owned, operated, or maintained by the community college district;

(11) Shall prescribe, with the assistance of the faculty, the course of study in the various departments of the community college or colleges under its control, and publish such catalogues and bulletins as may become necessary;

(12) May grant to every student, upon graduation or completion of a course of study, a suitable diploma, nonbaccalaureate degree or certificate;

(13) Shall enforce the rules and regulations prescribed by the state board for community college education for the government of community colleges, students and teachers, and promulgate such rules and regulations and perform all other acts not inconsistent with law or rules and regulations of the state board for community college education as the board of trustees may in its discretion deem necessary or appropriate to the administration of community college districts: PROVIDED, That such rules and regulations shall include, but not be limited to, rules and regulations relating to housing, scholarships, conduct at the various community college facilities, and discipline: PROVIDED, FURTHER, That the board of trustees may suspend or expel from community colleges students who refuse to obey any of the duly promulgated rules and regulations;

(14) May, by written order filed in its office, delegate to the president or district president any of the powers and duties vested in or imposed upon it by this chapter. Such delegated powers and duties may be exercised in the name of the district board;

(15) May perform such other activities consistent with this chapter and not in conflict with the directives of the college board;

(16) Notwithstanding any other provision of law, may offer educational services on a contractual basis other than the tuition and fee basis set forth in chapter 28B.15 RCW for a special fee to private or governmental entities, consistent with rules and regulations adopted by the state board for community college education: PROVIDED, That the whole of such special fee shall go to the college district and be not less than the full instructional

costs of such services: PROVIDED FURTHER, That enrollments generated hereunder shall not be counted toward the official enrollment level of the college district for state funding purposes((:));

(17) Notwithstanding any other provision of law, may offer educational services to an adult correctional facility operated by the department of social and health services on a contractual basis during the 1979-81 biennium, charging tuition and fees as set forth in chapter 28B.15 RCW, counting such enrollments for state funding purposes, and may additionally charge a special supplemental fee when necessary to cover the full instructional costs of such services: PROVIDED, That such contracts shall be subject to review by the state board for community college education in order to assure that the sum of the supplemental fee and the normal state funding shall not exceed the projected total cost of offering the educational service;

(18) Shall be authorized to pay dues to any association of trustees that may be formed by the various boards of trustees; such association may expend any or all of such funds to submit biennially, or more often if necessary, to the governor and to the legislature, the recommendations of the association regarding changes which would affect the efficiency of such association; and

~~((+8))~~ (19) Shall perform any other duties and responsibilities imposed by law or rule and regulation of the state board.

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 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 June 1, 1979.

Passed the House May 31, 1979.

Approved by the Governor June 15, 1979.

Filed in Office of Secretary of State June 15, 1979.

CHAPTER 227

[Engrossed Substitute Senate Bill No. 2273]

CLERK OF THE SUPERIOR COURT'S TRUST FUND

AN ACT Relating to the clerk of the superior court's trust funds; and amending section 36-.48.090, chapter 4, Laws of 1963 as last amended by section 1, chapter 63, Laws of 1977 and RCW 36.48.090.

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

Section 1. Section 36.48.090, chapter 4, Laws of 1963 as last amended by section 1, chapter 63, Laws of 1977 and RCW 36.48.090 are each amended to read as follows:

Whenever ~~((any person has in his custody as))~~ the clerk of the superior court ~~((any))~~ has funds held in trust for any litigant or for any purpose, they shall be deposited in a separate fund designated "clerk's trust fund," and shall not be commingled with any public funds~~((, and in case any interest is paid upon any such "clerk's trust fund" so deposited, it shall be paid to the beneficiary of such trust upon the termination thereof))~~. ~~((However)),~~ The clerk may invest the funds in any of the investments authorized by RCW 36.29.020. The clerk shall place the income from such investments in the county current expense fund to be used by the county for general county purposes unless (1) the funds being held in trust in a particular matter are two thousand dollars or more, and (2) a litigant in the matter has filed a written request that such investment be made of the funds being held in trust and the income be paid to the beneficiary. In such an event, any income from such investment shall be paid to the beneficiary of such trust upon the termination thereof: PROVIDED, That five percent of the income shall be deducted by the clerk as an investment service fee and placed in the county current expense fund to be used by the county for general county purposes.

~~((Litigants who have appeared in matters where funds being held in trust are two thousand dollars or more shall be entitled to written notice of the provisions of this section from the clerk, if they have made no written request as stated in this section within thirty days of receipt of the funds by the clerk, and if such litigants have not previously received such notice:))~~ In any matter where funds are held in the clerk's trust fund, any litigant who is not represented by an attorney and who has appeared in matters where the funds held are two thousand dollars or more shall receive written notice of the provisions of this section from the clerk.

Passed the Senate May 30, 1979.

Passed the House May 29, 1979.

Approved by the Governor June 15, 1979.

Filed in Office of Secretary of State June 15, 1979.

CHAPTER 228

[Engrossed Senate Bill No. 2338]

NURSING HOME PATIENTS—ABUSE OR NEGLECT—REPORTS

AN ACT Relating to nursing homes; amending section 7, chapter 117, Laws of 1951 as last amended by section 2, chapter 99, Laws of 1975 1st ex. sess. and RCW 18.51.060; 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. (1) The Washington state legislature finds and declares that a reporting system is needed to protect nursing home patients from abuse. Instances of nonaccidental injury, neglect, death, sexual abuse, and cruelty to nursing home patients have occurred, and in the instance where a nursing home patient is deprived of his or her right to conditions of minimal health and safety, the state is justified in emergency intervention based upon verified information. Therefore the Washington state legislature hereby provides for the reporting of such cases to the appropriate public authorities.

(2) It is the intent of the legislature that: (a) As a result of such reports, protective services shall be made available in an effort to prevent further abuses, and to safeguard the general welfare of the patients; and (b) such reports shall be maintained and disseminated with strictest regard for the privacy of the subjects of such reports and so as to safeguard against arbitrary, malicious, or erroneous information or actions.

NEW SECTION. Sec. 2. Unless the context requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Court" means the superior court of the state of Washington.

(2) "Law enforcement agency" means the police department, the prosecuting attorney, the director of public safety, or the office of the sheriff.

(3) "Practitioner of the healing arts" or "practitioner" means a person licensed by this state to practice podiatry, optometry, pharmacy, physical therapy, chiropractic, nursing, dentistry, osteopathy and surgery, or medicine and surgery. The term "practitioner" shall include a nurses aide, a nursing home administrator licensed under chapter 18.52 RCW, and a duly accredited Christian Science practitioner: PROVIDED, HOWEVER, That a nursing home patient who is being furnished Christian Science treatment by a duly accredited Christian Science practitioner shall not be considered, for that reason alone, a neglected patient for the purposes of this chapter.

(4) "Department" means the state department of social and health services.

(5) "Nursing home" has the meaning prescribed by RCW 18.51.010.

(6) "Social worker" means anyone engaged in a professional capacity during the regular course of employment in encouraging or promoting the health, welfare, support, or education of nursing home patients, or providing social services to nursing home patients, whether in an individual capacity or as an employee or agent of any public or private organization or institution.

(7) "Psychologist" means any person licensed to practice psychology under chapter 18.83 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(8) "Pharmacist" means any registered pharmacist under chapter 18.64 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(9) "Abuse or neglect" or "patient abuse or neglect" means the physical injury or condition, sexual abuse, or negligent treatment of a nursing home patient under circumstances which indicate that the patient's health, welfare, and safety is harmed thereby.

(10) "Negligent treatment" means an act or omission which evinces a serious disregard of consequences of such magnitude as to constitute a clear and present danger to the patient's health, welfare, and safety.

NEW SECTION. Sec. 3. (1) When any practitioner, social worker, psychologist, pharmacist, employee of a nursing home, or employee of the department has reasonable cause to believe that a nursing home patient has suffered abuse or neglect, the person shall report such incident, or cause a report to be made, to either a law enforcement agency or to the department as provided in section 4 of this act.

(2) Any other person who has reasonable cause to believe that a nursing home patient has suffered abuse or neglect may report such incident to either a law enforcement agency or to the department as provided in section 4 of this act.

(3) The department or any law enforcement agency receiving a report of an incident of abuse or neglect involving a nursing home patient who has died or has had physical injury or injuries inflicted other than by accidental means or who has been subjected to sexual abuse shall report the incident to the proper county prosecutor for appropriate action.

NEW SECTION. Sec. 4. (1) Where a report is deemed warranted under section 3 of this act, an immediate oral report shall be made by telephone or otherwise to either a law enforcement agency or to the department and, upon request, shall be followed by a report in writing. The reports shall contain the following information, if known:

- (a) The name and address of the person making the report;
 - (b) The name and address of the nursing home patient;
 - (c) The name and address of the nursing home patient's relatives having responsibility for the patient;
 - (d) The nature and extent of the injury or injuries;
 - (e) The nature and extent of the neglect;
 - (f) The nature and extent of the sexual abuse;
 - (g) Any evidence of previous injuries, including their nature and extent;
- and

(h) Any other information which may be helpful in establishing the cause of the nursing home patient's death, injury, or injuries, and the identity of the perpetrator or perpetrators.

(2) Each law enforcement agency receiving such a report shall, in addition to taking the action required by section 5 of this act, immediately relay the report to the department and to other law enforcement agencies, as appropriate. For any report it receives, the department shall likewise take the

required action and in addition relay the report to the appropriate law enforcement agency or agencies. The appropriate law enforcement agency or agencies shall receive immediate notification when the department, upon receipt of such report, has reasonable cause to believe that a criminal act has been committed.

NEW SECTION. Sec. 5. Upon the receipt of a report concerning the possible occurrence of abuse or neglect, it is the duty of the law enforcement agency and the department to commence an investigation within twenty-four hours of such receipt and, where appropriate, submit a report to the appropriate prosecuting attorney. In all cases investigated by the department a report to the complainant shall be made by the department.

NEW SECTION. Sec. 6. (1) A person participating in good faith in the making of a report pursuant to this chapter or testifying as to alleged patient abuse or neglect in a judicial proceeding shall in so doing be immune from any liability, civil or criminal, arising out of such reporting or testifying under any law of this state or its political subdivisions, and if such person is an employee of a nursing home it shall be an unfair practice under chapter 49.60 RCW for the employer to dismiss said employee for such activity.

(2) Conduct conforming with the reporting requirements of this chapter shall not be deemed a violation of the confidential communication privilege of RCW 5.60.060 (3) or (4) or 18.83.110. Nothing in this chapter shall be construed as to supersede or abridge remedies provided in chapter 4.92 RCW.

NEW SECTION. Sec. 7. A person who is required to make or to cause to be made a report pursuant to sections 3 or 4 of this act and who knowingly fails to make such report or fails to cause such report to be made is guilty of a misdemeanor.

NEW SECTION. Sec. 8. The department shall forward to the appropriate state licensing authority a copy of any report received pursuant to this chapter which alleges that a person who is professionally licensed by this state has abused or neglected a patient.

NEW SECTION. Sec. 9. In the adoption of rules under the authority of this chapter, the department shall provide for the publication and dissemination to nursing homes and nursing home employees and the posting where appropriate by nursing homes of informational, educational, or training materials calculated to aid and assist in achieving the objectives of this chapter.

Sec. 10. Section 7, chapter 117, Laws of 1951 as last amended by section 2, chapter 99, Laws of 1975 1st ex. sess. and RCW 18.51.060 are each amended to read as follows:

The department is authorized to deny, suspend, or revoke a license or provisional license or, in lieu thereof or in addition thereto, assess monetary

penalties of a civil nature not to exceed (~~five hundred~~) one thousand dollars per violation in any case in which it finds that the applicant, or licensee, or any partner, officer, director, owner of (~~ten~~) five percent or more of the assets of the nursing home, or managing employee:

(1) Failed or refused to comply with the requirements of this chapter or the standards, rules and regulations established hereunder; or

(2) Was the holder of a license issued pursuant to this chapter, which was revoked for cause and never reissued by the department, or which license was suspended for cause and the terms of the suspension have not been fulfilled; or

(3) Has knowingly or with reason to know made a false statement of a material fact in his application for license or any data attached thereto, or in any matter under investigation by the department; or

(4) Refused to allow representatives or agents of the department to inspect all books, records, and files required to be maintained or any portion of the premises of the nursing home; or

(5) Wilfully prevented, interfered with, or attempted to impede in any way the work of any duly authorized representative of the department and the lawful enforcement of any provision of this chapter; or

(6) Wilfully prevented or interfered with any representative of the department in the preservation of evidence of any violation of any of the provisions of this chapter or the standards, rules, and regulations promulgated hereunder; or

(7) Failed to report patient abuse or neglect in violation of chapter ... RCW (sections 1 through 9 of this act); or

(8) Fails to pay any civil monetary penalty assessed by the department pursuant to this chapter within ten days after such assessment becomes final: PROVIDED, That in no event shall the department assess a civil monetary penalty authorized pursuant to this section or post the said premises as provided in RCW 18.51.260 or include in the report required pursuant to RCW 18.51.270 during any period in which it has not (~~fully~~) reasonably implemented and funded its cost-related reimbursement system for public patients.

NEW SECTION. Sec. 11. Sections 1 through 9 of this act constitute a new chapter in Title 70 RCW.

NEW SECTION. Sec. 12. If any provision of this 1979 act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the Senate May 25, 1979.

Passed the House May 23, 1979.

Approved by the Governor June 15, 1979.

Filed in Office of Secretary of State June 15, 1979.

CHAPTER 229

[Substitute Senate Bill No. 2357]

OUTDOOR RECREATIONAL AREAS AND FACILITIES—ACQUISITION,
DEVELOPMENT—BOND ISSUE

AN ACT Relating to state government; providing for the acquisition and development of outdoor recreational areas and facilities; providing for the financing thereof by the issuance of bonds; creating new sections; and declaring an emergency.

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

NEW SECTION. Section 1. For the purpose of providing funds for the acquisition and development of outdoor recreational areas and facilities in this state, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of ten million dollars, or so much thereof as may be required, to finance these projects and all costs incidental thereto. No bonds authorized by this act shall be offered for sale without prior legislative appropriation, and these bonds shall be paid and discharged within thirty years of the date of issuance.

NEW SECTION. Sec. 2. The issuance, sale, and retirement of the 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 authorized in this act may 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 the bonds and notes, if any. The bonds shall be payable at such places as the committee may provide.

NEW SECTION. Sec. 3. The proceeds from the sale of the bonds authorized by this act shall be deposited in the outdoor recreation account of the general fund in the state treasury and shall be used exclusively for the purposes specified in this act and for the payment of expenses incurred in the issuance and sale of the bonds.

NEW SECTION. Sec. 4. The proceeds from the sale of the bonds deposited in the outdoor recreation account of the general fund shall be administered by the interagency committee for outdoor recreation, subject to legislative appropriation, and allocated to any agency or department of the state of Washington and, as grants, to public bodies for the acquisition and development of outdoor recreational areas and facilities within the jurisdiction of the agencies, departments, or public bodies. The interagency committee for outdoor recreation may use or permit the use of any funds

derived from the sale of the bonds authorized under this act as matching funds in any case where federal, local, or other funds are made available on a matching basis for projects within the purposes of this act.

NEW SECTION. Sec. 5. The outdoor recreational bond redemption fund of 1979 is hereby created in the state treasury, which fund shall be used for the payment of the principal of and interest on the bonds authorized by this act. The state finance committee, shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet the bond retirement and interest requirements. Not less than thirty days prior to the date on which any interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the outdoor recreational bond redemption fund of 1979 an amount equal to the amount certified by the state finance committee to be due on the payment date.

If a state general obligation bond retirement fund is created in the state treasury by chapter (SB 2361 or HB 569), Laws of 1979 1st ex. sess. and becomes effective by statute prior to the issuance of any of the bonds authorized by this act, the state general obligation bond retirement fund shall be used for purposes of this act in lieu of the outdoor recreational bond redemption fund of 1979, and the outdoor recreational bond redemption fund of 1979 shall cease to exist.

Bonds issued under this act 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 the 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 mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

NEW SECTION. Sec. 6. As used in this act, the phrase "acquisition and development of outdoor recreational areas and facilities" shall be liberally construed and shall include, but shall not be limited to, acquisition of fee simple or any lesser interests in land, and the development of outdoor areas and facilities. Swimming pools constructed with proceeds from these bonds may be enclosed at the sponsor's expense. The preservation of land or water areas in an unspoiled or undeveloped state shall be among the alternatives permissible under this act.

As used in this act, the term "public body" means any political subdivision, taxing district, or municipal corporation of the state of Washington and those Indian tribes now or hereafter recognized as Indian tribes by the federal government for participation in the federal land and water conservation program and which may constitutionally receive grants from the state of Washington.

NEW SECTION. Sec. 7. The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized in this act, and this act shall not be deemed to provide an exclusive method for the payment.

NEW SECTION. Sec. 8. The bonds authorized in this 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. 9. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

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

Passed the Senate May 8, 1979.

Passed the House June 1, 1979.

Approved by the Governor June 15, 1979.

Filed in the Office of Secretary of State June 15, 1979.

CHAPTER 230

[Substitute Senate Bill No. 2361]

STATE BUILDINGS AND FACILITIES—CONSTRUCTION, FURNISHING— BOND ISSUE

AN ACT Relating to state government; providing for the acquisition, construction, remodeling, furnishing and equipping of state buildings and facilities; providing for the financing thereof by the issuance of bonds; creating a state general obligation bond retirement fund; creating new sections; and declaring an emergency.

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

NEW SECTION. Section 1. For the purpose of acquiring land and providing needed capital improvements consisting of the planning, acquisition, construction, remodeling, and furnishing, together with all improvements, enhancements, fixed equipment facilities of office buildings, parking facilities, and such other buildings, facilities, and utilities as are determined to be necessary to provide space including offices, committee rooms, hearing rooms, work rooms, and industrial-related space for the legislature, for other elective officials, and such other state agencies as may be necessary, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of fifteen million dollars, or so much thereof as may be required, to finance these projects, and all costs incidental thereto. No bonds authorized by this act shall be offered for sale without

prior legislative appropriation, and these bonds shall be paid and discharged within thirty years of the date of issuance.

NEW SECTION. Sec. 2. The issuance, sale, and retirement of the 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 authorized in this act 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 the bonds and notes, if any. The 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 the bonds, or a portion thereof, it may, pending the issuance of the 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". The proceeds from the sale of bonds and notes authorized by this act shall be deposited in the state building construction account of the general fund in the state treasury and shall be used exclusively for the purposes specified in this act and for the payment of expenses incurred in the issuance and sale of the bonds: PROVIDED, That such portion of the proceeds of the sale of the bonds as may be required for the payment of the principal of and interest on the anticipation notes as have been issued, shall be deposited in the state general obligation bond retirement fund created by section 6 of this act.

NEW SECTION. Sec. 4. The principal proceeds from the sale of the bonds or notes deposited in the state building construction account of the general fund shall be administered by the state department of general administration, subject to legislative appropriation.

NEW SECTION. Sec. 5. The state general obligation bond retirement fund shall be used for the payment of the principal of and interest on the bonds and notes authorized by this act. The state finance committee, shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet the bond retirement and interest requirements. Not less than thirty days prior to the date on which any interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the state general obligation bond retirement fund an amount equal to the amount certified by the state finance committee to be due on the payment date. Bonds issued under this act 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 the 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 in this section.

NEW SECTION. Sec. 6. The state general obligation bond retirement fund is hereby created in the state treasury. This fund shall be used for the payment of principal of, redemption premium, if any, and interest on general obligation bonds of the state that are required to be paid either directly or indirectly from any general state revenues and that are issued pursuant to statutory authority which statute designates the general obligation bond retirement fund for this purpose. This fund shall be deemed a trust fund for this purpose.

NEW SECTION. Sec. 7. Separate accounting records shall be maintained by the state treasurer of the debt service requirements of each issue of bonds payable from the state general obligation bond retirement fund, as certified by the state finance committee, and of the payments made out of the general obligation bond retirement fund to meet principal, interest requirements, and redemption premium, if any.

NEW SECTION. Sec. 8. No bonds issued pursuant to Article VIII, section 1(f) of the Constitution of the state of Washington shall be made payable from the state general obligation bond retirement 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 act, and this act shall not be deemed to provide an exclusive method for the payment.

NEW SECTION. Sec. 10. The bonds authorized in this 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. 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. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate May 10, 1979.

Passed the House May 31, 1979.

Approved by the Governor June 15, 1979.

Filed in Office of Secretary of State June 15, 1979.

CHAPTER 231

[Engrossed Senate Bill No. 2402]

INDUSTRIAL INSURANCE COMPENSATION—OVERPAYMENT RECOVERY

AN ACT Relating to industrial insurance; amending section 3, chapter 286, Laws of 1975 1st ex. sess. as last amended by section 1, chapter ... (SSB 2317), Laws of 1979 1st ex. sess. and RCW 51.32.220; creating a new section; and declaring an emergency.

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

Section 1. Section 3, chapter 286, Laws of 1975 1st ex. sess. as last amended by section 1, chapter ... (SSB 2317), Laws of 1979 1st ex. sess. and RCW 51.32.220 are each amended to read as follows:

(1) For persons under the age of sixty-two receiving compensation for temporary or permanent total disability pursuant to the provisions of chapter 51.32 RCW, such compensation shall be reduced by an amount equal to the benefits payable under the federal old-age, survivors and disability insurance act as now or hereafter amended not to exceed the amount of the reduction established pursuant to 42 USC 424a. However, such reduction shall not apply when the combined compensation provided pursuant to chapter 51.32 RCW and the federal old-age, survivors and disability insurance act is less than the total benefits to which the federal reduction would apply, pursuant to 42 USC 424a. Where any person described in this section refuses to authorize the release of information concerning the amount of benefits payable under said federal act the department's estimate of said amount shall be deemed to be correct unless and until the actual amount is established and no adjustment shall be made for any period of time covered by any such refusal.

(2) Any reduction under subsection (1) of this section shall be effective the month following the month in which the department or self-insurer is notified by the federal social security administration that the person is receiving disability benefits under the federal old-age, survivors and disability insurance act: PROVIDED, That in the event of an overpayment of benefits the department or self-insurer may not recover more than the overpayments for the six months immediately preceding the date the department or self-insurer notifies the worker that an overpayment has occurred: PROVIDED FURTHER, That upon determining that there has been an overpayment, the department or self-insurer shall immediately notify the person who received the overpayment that he or she shall be required to make repayment pursuant to ((this act)) this section and RCW 51.32... (section 2, chapter ... (SSB 2317), Laws of 1979 1st ex. sess.).

(3) Recovery of any overpayment must be taken from future ((month-ly)) temporary or permanent total disability benefits or permanent partial disability benefits provided by this title ((and may)). In the case of temporary or permanent total disability benefits, the recovery shall not exceed

twenty-five percent of the monthly amount due from the department or self-insurer or one-sixth of the total overpayment, whichever is the lesser.

(4) No reduction may be made unless the worker receives notice of the reduction prior to the month in which the reduction is made.

(5) In no event shall the reduction reduce total benefits to less than the greater amount the worker may be entitled to under this title or the federal old-age, survivors and disability insurance act.

(6) The director, pursuant to rules adopted in accordance with the procedures provided in the administrative procedure act, chapter 34.04 RCW, may exercise his discretion to waive, in whole or in part, the amount of any overpayment where the recovery would be against equity and good conscience.

NEW SECTION. Sec. 2. This 1979 act applies to all cases in which notification of the first reduction in compensation pursuant to RCW 51.32-.220 is mailed after the effective date of this 1979 act, regardless of when the basis, authority, or cause for such reduction may have arisen. To such extent, this 1979 act applies retrospectively, but in all other respects it applies prospectively.

NEW SECTION. Sec. 3. If any provision of this 1979 act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

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

Passed the Senate May 25, 1979.

Passed the House May 14, 1979.

Approved by the Governor June 15, 1979.

Filed in Office of Secretary of State June 15, 1979.

CHAPTER 232

[Engrossed Substitute Senate Bill No. 2505]

LOCAL JAILS—IMPROVEMENT AND CONSTRUCTION—STATE BOND ISSUE—OPERATION, DETENTION STANDARDS

AN ACT Relating to the support of state government; providing for the planning, acquisition, construction, remodeling, furnishing and equipping of certain jail buildings and facilities; providing for the financing thereof by the issuance of bonds and anticipation notes; amending section 2, chapter 316, Laws of 1977 ex. sess. and RCW 70.48.020; amending section 3, chapter 316, Laws of 1977 ex. sess. and RCW 70.48.030; amending section 5, chapter 316, Laws of 1977 ex. sess. and RCW 70.48.050; amending section 6, chapter 316, Laws of 1977 ex. sess. as amended by section 170, chapter 151, Laws of 1979 and RCW 70.48.060; amending section 7, chapter 316, Laws of 1977 ex. sess. as amended by section 2, chapter 147, Laws of 1979 and RCW 70.48.070; amending section 9, chapter

316, Laws of 1977 ex. sess. and RCW 70.48.090; adding new sections to chapter 70.48 RCW; recodifying RCW 35.21.330 in chapter 70.48 RCW; and declaring an emergency.

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

NEW SECTION. Section 1. In order for the state to provide safe and humane detention and correctional facilities, its long range development goals must include the renovation of jail buildings and facilities.

NEW SECTION. Sec. 2. For the purpose of providing funds for the planning, acquisition, construction, and improvement of jail buildings and necessary supporting facilities within the state, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of one hundred six million dollars, or so much thereof as may be required, to finance the improvements defined in this chapter and all costs incidental thereto but not including acquisition or preparation of sites. These bonds shall be paid and discharged within thirty years. No bonds authorized by this chapter shall be offered for sale without prior legislative appropriation of the proceeds of the bonds to be sold.

NEW SECTION. Sec. 3. The proceeds from the sale of bonds authorized by this chapter shall be deposited in the local jail improvement and construction account hereby created in the general fund and shall be used exclusively for the purpose specified in this chapter and for payment of the expenses incurred in the issuance and sale of the bonds.

NEW SECTION. Sec. 4. The proceeds from the sale of the bonds deposited in the local jail improvement and construction account of the general fund under the terms of this chapter shall be administered by the Washington state jail commission subject to legislative appropriation.

NEW SECTION. Sec. 5. The state finance committee is authorized to prescribe the form, terms, conditions, and covenants of the bonds, the time or times of sale of all or any portion of them, and the conditions and manner of their sale and issuance. None of the bonds authorized in this chapter shall be sold for less than their par value.

NEW SECTION. Sec. 6. When the state finance committee has decided to issue the bonds, or a portion thereof, it may, pending the issuing of the 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 the bonds as may be required for this purpose shall be applied to the payment of the principal of and interest on any of these anticipation notes which have been issued. The bonds and notes shall pledge the full faith and credit of the state of Washington and shall contain an unconditional promise to pay the principal and interest when due. The state finance committee may authorize the use of a printed facsimile of the seal of the state of Washington in the issuance of the bonds and notes.

NEW SECTION. Sec. 7. The jail renovation bond retirement fund is hereby created in the state treasury. This fund shall be used for the payment of interest on and retirement of the bonds and notes authorized by this chapter. The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount required in the next succeeding twelve months for the payment of the principal of and the interest coming due on the bonds. Not less than thirty days prior to the date on which any interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the jail renovation bond retirement fund an amount equal to the amount certified by the state finance committee to be due on the payment date. The owner and holder of each of the bonds or the trustee for any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

If a state general obligation bond retirement fund is created in the state treasury by chapter ... (SB 2361 or HB 569), Laws of 1979 1st ex. sess., and becomes effective by statute prior to the issuance of any of the bonds authorized by this chapter, the retirement fund shall be used for purposes of this chapter in lieu of the jail renovation bond retirement fund, and the jail renovation bond retirement fund shall cease to exist.

NEW SECTION. Sec. 8. The bonds authorized in this chapter shall be a legal investment for all state funds or for funds under state control and for all funds of any other public body.

Sec. 9. Section 6, chapter 316, Laws of 1977 ex. sess. as amended by section 170, chapter 151, Laws of 1979 and RCW 70.48.060 are each amended to read as follows:

(1) Any funds allocated to a governing unit for jail construction or renovation pursuant to this chapter shall constitute full funding of the cost of implementing the physical plant standards within the meaning of RCW 70.48.070(2). Jail construction or renovation represents the full extent of the state's financial commitment with regard to jails. Local governing units are responsible for funding all costs of operating jails.

(2) As a condition of eligibility for such financial assistance as may be provided by or through the state of Washington exclusively for the construction and/or modernization of jails, all jail construction and/or substantial remodeling projects shall be submitted by the governing unit to the commission ((for review)) which shall review all submitted projects in accordance with rules to be adopted by the commission and shall approve or reject each project for purposes of state funding. The commission shall allocate available funding to the projects approved for funding in accordance with moneys actually available and the priorities established by the commission under this section. ((The commission shall submit the projects to

~~the office of financial management, pursuant to subsection (3) of this section, if they comply with the physical plant standards adopted by the commission, pursuant to the provisions of RCW 70.48.050(5). Notice of rejection because of noncompliance to said standards shall be given within forty-five days after receipt by the commission of the submitted project.~~

~~(2) If the projects are approved, the department)) (3) The rules to be adopted by the commission for purposes of approving or denying requests for state funds for jail construction or remodeling shall:~~

~~(i) Limit state funding to the minimum amount required to fully implement the physical plant standards;~~

~~(ii) Encourage the voluntary consolidation of jail facilities and programs of contiguous governing units where feasible: PROVIDED, That such consolidation is approved by all participating governing units;~~

~~(iii) Insure that each governing unit or consolidation of governing units applying for state funds under this chapter has submitted a plan which demonstrates that pretrial and posttrial alternatives to incarceration are being considered within the governmental unit;~~

~~(iv) Establish criteria and procedures for setting priorities among the projects approved for state funding for purposes of allocating state funds actually available; and~~

~~(v) Establish procedures for the submission, review, and approval or denial of projects submitted and appeals from adverse determinations, including time periods applicable thereto.~~

~~(4) The commission shall review all submitted projects with the office of financial management and the office of financial management shall provide technical assistance to the commission for purposes of insuring the accuracy of statistical information to be used by the commission in determining projects to be funded.~~

~~(5) The commission shall oversee ((the)) approved construction and remodeling to the extent necessary to assure compliance with the standards adopted and approved pursuant to RCW 70.48.050(((7))) (5).~~

~~(((3))) (6) The commission shall develop estimates of the costs of the capital construction grants for each biennium required under the provisions of this chapter. The estimates ((shall be subject to the review of the secretary and)) shall be submitted to the office of financial management consistent with the provisions of chapter 43.88 RCW and the office of financial management shall review and approve or disapprove within thirty days.~~

~~(7) The commission and the office of financial management shall jointly report to the legislature on or before the convening of a regular session as to the projects approved for funding, construction status of such projects, funds expended and encumbered to date, and updated population and incarceration statistics.~~

(8) The jail commission shall examine, and by December 1, 1980, present to the legislature recommendations relating to detention and correctional services, including the formulation of the role of state and local governing units regarding detention and correctional facilities.

NEW SECTION. Sec. 10. There is added to chapter 70.48 RCW a new section to read as follows:

(1) In determining the capacity of a planned jail facility for purposes of funding under this chapter, the commission shall consider all relevant information, including data supplied to the commission by the office of financial management with regard to the governing unit's population projections, current incarceration rates as applied to population projections by age group, and peaking factors not to exceed 1.29 standard deviations above the mean average daily population.

(2) The number of square feet allowed per bed shall generally be consistent for facilities of similar size and classification within either major urban, medium urban, or rural counties.

(3) Funds shall be allocated to governing units based on authorized beds and square feet as determined by the commission under this chapter and the rules adopted pursuant thereto.

(4) Total dollars allocated to a governing unit for new construction or renovation shall be the lesser of the amount specified in an accepted bid, the amount computed in subsection (3) of this section, or the budget request submitted to the commission by the governing unit.

(5) If a governing unit determines the assumptions specified in subsection (1) of this section are to be exceeded, then the funding responsibility in excess of amount determined by the commission will be that of the governing unit.

(6) The office of financial management shall assist governing units in obtaining whatever federal grants and aid might be available for jail construction and renovation. The amount of such grants or aid which might be obtained shall be deducted from the moneys which would otherwise be granted to the governing units from the funds from the sale of bonds authorized by section 2 of this act.

(7) Jails which are constructed and/or renovated with funds provided pursuant to this act shall not be considered state buildings for the purposes of RCW 43.17.200.

Sec. 11. Section 2, chapter 316, Laws of 1977 ex. sess. and RCW 70.48.020 are each amended to read as follows:

As used in this chapter the words and phrases in this section shall have the meanings indicated unless the context clearly requires otherwise.

(1) "Holding facility" means a facility operated by a governing unit primarily designed, staffed, and used for the temporary housing of adult persons charged with a criminal offense prior to trial or sentencing and for

the temporary housing of such persons during or after trial and/or sentencing, but in no instance shall the housing exceed thirty days.

(2) "Detention facility" means a facility operated by a governing unit primarily designed, staffed, and used for the temporary housing of adult persons charged with a criminal offense prior to trial or sentencing and for the housing of adult persons for purposes of punishment and correction after sentencing or persons serving terms not to exceed ninety days.

(3) "Correctional facility" means a facility operated by a governing unit primarily designed, staffed, and used for the housing of adult persons serving terms not exceeding one year for the purposes of punishment, correction, and rehabilitation following conviction of a criminal offense.

(4) "Jail" means any holding, detention, or correctional facility as defined in this section.

(5) "Health care" means preventive, diagnostic and rehabilitative services provided by licensed health care professionals and/or facilities; such care to include providing prescription drugs where indicated.

(6) "Commission" means the state jail commission created pursuant to RCW 70.48.030.

(7) "Substantially remodeled" means significant alterations made to the physical plant of a jail to conform with the physical plant standards.

(8) "Department" means the department of social and health services.

(9) "Secretary" means the secretary of social and health services.

(10) "Governing unit" means the city and/or county or any combinations of cities and/or counties responsible for the operation, supervision, and maintenance of a jail.

(11) "Mandatory custodial care standards" means those minimum standards, rules, or regulations that are adopted pursuant to RCW 70.48.050(1)(a) and 70.48.070(1) for jails to meet federal and state constitutional requirements relating to the health, safety, security, and welfare of inmates.

(12) "Advisory custodial care standards" means custodial care standards recommended by the commission which are not mandatory.

(13) "Physical plant standards" and "physical plant requirements" mean those minimum standards, rules, or regulations that are prescribed by the commission for jails that relate to structural specifications of the physical plant, including but not limited to size of cells and rooms within a jail, design of facilities, and specifications for fixtures and other equipment.

(14) "Jail inspector" means a person with at least five years in a supervisory position as a law enforcement or custodial corrections officer.

(15) "Major urban" means a county or combination of counties which has a city having a population greater than twenty-six thousand based on the 1978 projections of the office of financial management.

(16) "Medium urban" means a county or combination of counties which has a city having a population equal to or greater than ten thousand but less

than twenty-six thousand based on the 1978 projections of the office of financial management.

(17) "Rural" means a county or combination of counties which has a city having a population less than ten thousand based on the 1978 projections of the office of financial management.

Sec. 12. Section 3, chapter 316, Laws of 1977 ex. sess. and RCW 70-48.030 are each amended to read as follows:

A state jail commission shall be appointed (~~by the governor~~) to establish standards approved by the legislature for the operation of city and county jails. The commission shall be comprised of fifteen members of which eleven (~~members who~~) shall be appointed by the governor and confirmed by the state senate: PROVIDED, That at least seven of the members shall be elected city, town, or county legislative or executive officials: PROVIDED FURTHER, That the secretary or the secretary's designee shall be one of the members of the commission.

At least two members of the commission shall represent minorities.

At least four members of the commission shall reside east of the crest of the Cascade Range. Any member of the commission appointed pursuant to this section as an incumbent official shall immediately, upon termination of holding said office, cease to be a member of the commission and the governor shall appoint a replacement. Vacancies shall be filled in the same manner as original appointments: PROVIDED, That a person appointed as a replacement shall serve for only the balance of the replaced member's term unless the replacement is reappointed.

Four members shall be legislators who shall be nonvoting members of the commission. The president of the senate and the speaker of the house shall each appoint two members, one from each party. The legislator members' terms shall expire on the first day of the convening of the legislature in each odd-numbered year.

Three of the original appointments shall be for terms of one year, four of the initial appointments shall be for terms of two years, and four of the initial appointments shall be for terms of three years. Subsequent appointments shall be for a three year term except for the legislative members.

The chairperson of the commission shall be appointed by the governor and shall serve as chairperson at the governor's pleasure. A vice-chairperson shall be elected by the commission. The commission shall meet on call of the chairperson or on request of a majority of its members, but not less than four times per year. (~~This commission shall be terminated on June 30, 1983, unless this date is revised by the legislature.~~)

Sec. 13. Section 5, chapter 316, Laws of 1977 ex. sess. and RCW 70-48.050 are each amended to read as follows:

In addition to any other powers and duties contained in this chapter, the commission shall have the powers and duties:

(1) To adopt such rules and regulations, after approval by the legislature, pursuant to chapter 34.04 RCW, as it deems necessary and consistent with the purposes and intent of this chapter on the following subjects:

(a) Mandatory custodial care standards that are essential for the health, welfare, and security of persons confined in jails: **PROVIDED**, That in adopting each rule or regulation pertaining to mandatory custodial care standards, the commission shall cite the applicable case law, statutory law or constitutional provision which requires such rule or regulation;

(b) Advisory custodial care standards;

(c) The classification and uses of holding, detention, and correctional facilities. Except for the housing of work releasees in accordance with commission rules, a person may not be held in a holding facility longer than seventy-two hours, exclusive of weekends and holidays, without being transferred to a detention or ((~~correction~~) correctional) facility unless the court having jurisdiction over the individual authorizes a longer holding, but in no instance shall the holding exceed thirty days;

(d) The content of jail records which shall be maintained by the department of corrections or the chief law enforcement officer of the governing unit. In addition the governing unit, chief law enforcement officer, or department of corrections may require such additional records as they deem proper; and

(e) The segregation of persons and classes of persons confined in holding, detention, and correctional facilities;

(2) To investigate, develop, and encourage alternative and innovative methods in all phases of jail operation;

(3) To make comments, reports, and recommendations concerning all phases of jail operation including those not specifically described in this chapter;

(4) To hire necessary staff, acquire office space, supplies, and equipment, and make such other expenditures as may be deemed necessary to carry out its duties;

(5) The secretary shall submit minimum physical plant standards to the commission for review and promulgate proposed standards pursuant to chapter 34.04 RCW. After such promulgation, the standards shall be presented for review at a public conference of city, town, and county legislative and executive officials and directors of departments of correction or the chief law enforcement officers of the governing units in four regional meetings, two of which shall be east of the Cascade range. Subsequent to these reviews, and utilizing the data received, the commission shall adopt minimum physical plant standards pursuant to chapter 34.04 RCW, after approval by the legislature;

(6) To cause all jails to be inspected at least annually by designated jail inspectors and to issue a certificate of compliance to each facility which is found to satisfactorily meet the requirements of this chapter and the rules,

regulations, and standards adopted hereunder: PROVIDED, That certificates of partial compliance may be issued where applicable. The inspectors shall have access to all portions of jails, to all prisoners confined therein, and to all records maintained by said jails; and

(7) To establish advisory guidelines and model ordinances to assist governing units in establishing the agreements necessary for the joint operation of jails and for the determination of the rates of allowance for the daily costs of holding a prisoner pursuant to the provisions of RCW 70.48.080(6).

Sec. 14. Section 7, chapter 316, Laws of 1977 ex. sess. as amended by section 2, chapter 147, Laws of 1979 and RCW 70.48.070 are each amended to read as follows:

All jails shall be constructed, operated, and maintained in compliance with the provisions and intent of this chapter and the rules, regulations, and standards adopted thereunder: PROVIDED, That, as limited by this section, compliance with such rules, regulations, and standards shall be pursuant to the time schedules set by the commission for classes of facilities:

(1) The mandatory custodial care standards that are essential for the health, welfare, and security of persons confined, which are adopted pursuant to RCW 70.48.050(1)(a), shall be proposed by the commission to the legislature no later than December 31, 1978. ~~((Standards shall be prescribed by the commission and submitted to the legislature and governor for approval. Such standards shall be adopted by the commission pursuant to chapter 34.04 RCW upon approval by the governor and upon approval by the legislature by concurrent resolution if the legislature is in session. If the legislature is not in session legislative approval may be given by a joint committee established by resolution for such purpose));~~

(2) ~~((The physical plant standards shall be prescribed by the commission and submitted to the legislature and governor for approval. Such standards shall be adopted by the commission pursuant to chapter 34.04 RCW upon approval by the governor and upon approval by the legislature by concurrent resolution if the legislature is in session. If the legislature is not in session legislative approval may be given by a joint committee established by resolution for such purpose.))~~ The physical plant standards which are adopted and approved pursuant to RCW 70.48.050(5) shall not be mandatory unless, pursuant to the provisions of RCW 70.48.110, the state fully funds the cost of implementing such standards for detention and correctional facilities: PROVIDED, That, such funds shall be subject to ~~((biennial))~~ appropriation: PROVIDED FURTHER, That after such funds are made available, local jurisdictions shall have a period of time before such standards are mandatory that is adequate to effect any needed construction or repairs: PROVIDED FURTHER, That those provisions of RCW 70.48.060 and 70.48.110 requiring approval prior to funding and commencement of construction or remodeling shall not apply to prevent the funding of jails of governing units which have appropriated funds for substantial remodeling

or construction of jails after February 16, 1974, and before June 23, 1977. Approval in such cases may be given retroactively: PROVIDED FURTHER, That the commission may grant variances from the physical plant standards consistent with the intent of this act, and such standards shall otherwise be mandatory for purposes of this section and RCW 70.48.080 and jail facilities approved by the commission shall be deemed to comply with the physical plant standards;

(3) The mandatory custodial care standards and physical plant standards as submitted by the commission to the legislature on December 20, 1978 are hereby approved and shall take effect after adoption by the commission. Mandatory custodial care standards shall be complied with no later than October 1, 1979;

(4) Modifications of the standards or additional standards may be adopted by the commission pursuant to chapter 34.04 RCW.

Sec. 15. Section 9, chapter 316, Laws of 1977 ex. sess. and RCW 70.48.090 are each amended to read as follows:

(1) Contracts for jail services may be made between a county and city located within the boundaries of a county, and among counties. The contracts shall: Be in writing, give one governing unit the responsibility for the operation of the jails, specify the responsibilities of each governing unit involved, and include the applicable charges for custody of the prisoners as well as the basis for adjustments in the charges. The contracts may be terminated only by ninety days written notice to the governing units involved and to the commission. The notice shall state the grounds for termination and the specific plans for accommodating the affected jail population.

(2) The contract authorized in subsection (1) of this section shall be for a minimum term of ten years when state funds are provided to construct or remodel a jail in one governing unit that will be used to house prisoners of other governing units. The contract may not be terminated prior to the end of the term without the commission's approval. If the contract is terminated, or upon the expiration and nonrenewal of the contract, the governing unit whose jail facility was built or remodeled to hold the prisoners of other governing units shall pay to the state treasurer the amount set by the commission when it authorized disbursement of state funds for the remodeling or construction under RCW 70.48.120. This amount shall be deposited in the local jail improvement and construction account and shall fairly represent the construction costs incurred in order to house prisoners from other governing units. The commission may pay the funds to the governing units which had previously contracted for jail services under rules which the commission may adopt. The acceptance of state funds for constructing or remodeling consolidated jail facilities constitutes agreement to the proportionate amounts set by the commission. Notice of the proportionate amounts shall be given to all governing units involved.

(3) A city or county primarily responsible for the operation of a jail or jails may create a department of corrections to be in charge of such jail and of all persons confined therein by law, subject to the authority of the governing unit. If such department is created, it shall have charge of jails and persons confined therein. If no such department of corrections is created, the chief law enforcement officer of the city or county primarily responsible for the operation of said jail shall have charge of the jail and of all persons confined therein. A department of corrections or the chief law enforcement officer shall operate a jail in conformance with the rules and regulations adopted by the commission and any rules, regulations, or ordinances adopted by the governing unit.

~~((2) Whenever any jail is operated by a governing unit which includes a combination of cities and/or counties, one such city or county shall be designated as being primarily responsible for the operation of said jail.))~~

NEW SECTION. Sec. 16. There is added to chapter 70.48 RCW a new section to read as follows:

Counties may acquire, build, operate and maintain holding, detention, and correctional facilities as defined in RCW 70.48.020 at any place designated by the county legislative authority within the territorial limits of the county. The facilities shall comply with chapter 70.48 RCW and the rules adopted thereunder.

NEW SECTION. Sec. 17. There is added to chapter 70.48 RCW a new section to read as follows:

(1) All cities and counties are authorized to establish and maintain farms, camps, and work release programs and facilities. The facilities shall meet the requirements of chapter 70.48 RCW and any rules adopted thereunder.

(2) Farms and camps may be established either inside or outside the territorial limits of a city or county. A sentence of confinement in a city or county jail may include placement in a farm or camp. Unless directed otherwise by court order, the chief law enforcement officer or department of corrections, may transfer the prisoner to a farm or camp. The sentencing court, chief law enforcement officer, or department of corrections may not transfer to a farm or camp a greater number of prisoners than can be furnished with constructive employment and can be reasonably accommodated.

(3) The city or county may establish a city or county work release program and housing facilities for the prisoners in the program. In such regard, factors such as employment conditions and the condition of jail facilities should be considered. When a work release program is established the following provisions apply:

(a) A person convicted of a felony and placed in a city or county jail is eligible for the work release program. A person sentenced to a city or county jail is eligible for the work release program. The program may be used as

a condition of probation for a criminal offense. Good conduct is a condition of participation in the program.

(b) The court may permit a person who is currently, regularly employed to continue his employment. The chief law enforcement officer or department of corrections shall make all necessary arrangements if possible. The court may authorize the person to seek suitable employment and may authorize the chief law enforcement officer or department of corrections to make reasonable efforts to find suitable employment for the person. A person participating in the work release program may not work in an establishment where there is a labor dispute.

(c) The work release prisoner shall be confined in a work release facility or jail whenever the prisoner is not employed and between the hours or periods of employment unless the court directs otherwise.

(d) The chief law enforcement officer or his designee shall collect the work release prisoner's earnings and from the earnings make payments for the prisoner's board, personal expenses inside and outside the jail, and share of the administrative expenses of this section. Support payments for the prisoner's dependents, if any, shall be made as directed by the court. With the prisoner's consent, the remaining funds may be used to pay the prisoner's preexisting debts. Any balance shall be retained and paid to the prisoner when the prisoner is discharged.

(e) With court approval the prisoner's sentence may be reduced by one-fourth if the prisoner's conduct, diligence, and general attitude merit the reduction.

(f) If the work release prisoner violates the conditions of custody or employment, the prisoner shall be returned to the sentencing court. The sentencing court may require the prisoner to spend the remainder of the sentence in actual confinement and may cancel any earned reduction of the sentence.

NEW SECTION. Sec. 18. There is added to chapter 70.48 RCW a new section to read as follows:

The jurisdiction having immediate authority over a prisoner is responsible for the transportation expenses. The transporting officer shall have custody of the prisoner within any Washington county while being transported. Any jail within the state may be used for the temporary confinement of the prisoner with the only charge being for the reasonable cost of board.

NEW SECTION. Sec. 19. There is added to chapter 70.48 RCW a new section to read as follows:

A person convicted of an offense punishable by imprisonment in a city or county jail may be confined in the jail of any city or county contracting with the prosecuting city or county for jail services.

NEW SECTION. Sec. 20. There is added to chapter 70.48 RCW a new section to read as follows:

A person imprisoned in a detention or correctional facility who has not obtained a bail bond shall be transferred to a state institution designated by the secretary pending the appeal of a felony conviction after the thirtieth day and before the forty-first day from the date on which the judgment was entered. Upon a showing of good cause, a superior court judge may order the prisoner detained in the county jail for an additional period not to exceed ten days; except that this provision does not apply to persons sentenced for a felony who are held in the facility as a condition of probation or who are specifically sentenced to confinement in the facility.

NEW SECTION. Sec. 21. RCW 35.21.330 as now or hereafter amended is decodified and is recodified in chapter 70.48 RCW.

NEW SECTION. Sec. 22. Sections 1 through 8 of this act are each added to chapter 70.48 RCW.

NEW SECTION. Sec. 23. 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 June 1, 1979.

Passed the House June 1, 1979.

Approved by the Governor June 15, 1979.

Filed in Office of Secretary of State June 15, 1979.

CHAPTER 233

[Senate Bill No. 2508]

INSURANCE PREMIUMS—ANNUITY CONTRACTS—TAXATION

AN ACT Relating to the taxation of insurance premiums; amending section .14.02, chapter 79, Laws of 1947 as amended by section 9, chapter 241, Laws of 1969 ex. sess. and RCW 48.14.020; creating new sections; and providing an effective date.

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

NEW SECTION. Section 1. It is the intent of the legislature to eliminate existing tax discrimination between qualified and nonqualified pension plans which are effectuated by annuity contracts, by excluding the consideration paid for such contracts from premiums subject to the premium tax.

Sec. 2. Section .14.02, chapter 79, Laws of 1947 as amended by section 9, chapter 241, Laws of 1969 ex. sess. and RCW 48.14.020 are each amended to read as follows:

(1) Subject to other provisions of this chapter, each authorized insurer except title insurers shall on or before the first day of March of each year pay to the state treasurer through the commissioner's office a tax on premiums. Except as provided in subsection (2) of this section, such tax shall be in the amount of two percent of all premiums, excluding amounts returned to or the amount of reductions in premiums allowed to holders of industrial

life policies for payment of premiums directly to an office of the insurer, collected or received by the insurer during the preceding calendar year in the case of foreign and alien insurers, and in the amount of one percent of all such premiums in the case of domestic insurers, for direct insurances, other than ocean marine and foreign trade insurances, after deducting premiums paid to policyholders as returned premiums, upon risks or property resident, situated, or to be performed in this state. For the purposes of this section the consideration received by an insurer for the granting of an annuity ((is)) shall not be deemed to be a premium.

(2) In the case of insurers which require the payment by their policyholders at the inception of their policies of the entire premium thereon in the form of premiums or premium deposits which are the same in amount, based on the character of the risks, regardless of the length of term for which such policies are written, such tax shall be in the amount of two percent of the gross amount of such premiums and premium deposits upon policies on risks resident, located, or to be performed in this state, in force as of the thirty-first day of December next preceding, less the unused or unabsorbed portion of such premiums and premium deposits computed at the average rate thereof actually paid or credited to policyholders or applied in part payment of any renewal premiums or premium deposits on one-year policies expiring during such year.

(3) Each authorized insurer shall with respect to all ocean marine and foreign trade insurance contracts written within this state during the preceding calendar year, on or before the first day of March of each year pay to the state treasurer through the commissioner's office a tax of three-quarters of one percent on its gross underwriting profit. Such gross underwriting profit shall be ascertained by deducting from the net premiums (i.e., gross premiums less all return premiums and premiums for reinsurance) on such ocean marine and foreign trade insurance contracts the net losses paid (i.e., gross losses paid less salvage and recoveries on reinsurance ceded) during such calendar year under such contracts. In the case of insurers issuing participating contracts, such gross underwriting profit shall not include, for computation of the tax prescribed by this subsection, the amounts refunded, or paid as participation dividends, by such insurers to the holders of such contracts.

(4) The state does hereby preempt the field of imposing excise or privilege taxes upon insurers or their agents, other than title insurers, and no county, city, town or other municipal subdivision shall have the right to impose any such taxes upon such insurers or their agents.

(5) If an authorized insurer collects or receives any such premiums on account of policies in force in this state which were originally issued by another insurer and which other insurer is not authorized to transact insurance in this state on its own account, such collecting insurer shall be liable for and shall pay the tax on such premiums.

(6) This section shall be effective as to and shall govern the payment of all taxes falling due after the effective date of this code.

NEW SECTION. Sec. 3. 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. 4. This 1979 amendatory act shall become effective beginning upon and after January 1, 1980.

Passed the Senate March 30, 1979.

Passed the House May 29, 1979.

Approved by the Governor June 15, 1979.

Filed in Office of Secretary of State June 15, 1979.

CHAPTER 234

[Substitute Senate Bill No. 2639]

STATE AND LOCAL WATER SUPPLY FACILITIES CONSTRUCTION—BOND ISSUE—REFERENDUM

AN ACT Relating to financing water supply facilities; adding a new chapter to Title 43 RCW; and providing for submission of this act to a vote of the people.

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

NEW SECTION. Section 1. The long-range development goals for the state of Washington must include the provision of those supportive public services necessary for the development and expansion of industry, commerce, and employment including the furnishing of an adequate supply of water for domestic, industrial, agricultural, municipal, fishery, recreational, and other beneficial uses.

NEW SECTION. Sec. 2. For the purpose of providing funds for the planning, acquisition, construction, and improvement of water supply facilities within the state, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of one hundred twenty-five million dollars, or so much thereof as may be required, to finance the improvements defined in this chapter and all costs incidental thereto. These 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. No bonds authorized by this chapter may be offered for sale without prior legislative appropriation of the proceeds of the bonds to be sold.

NEW SECTION. Sec. 3. The proceeds from the sale of bonds authorized by this chapter shall be deposited in the state and local improvements revolving account—water supply facilities hereby created in the general fund and shall be used exclusively for the purpose specified in this chapter

and for payment of the expenses incurred in the issuance and sale of the bonds.

NEW SECTION. Sec. 4. The proceeds from the sale of the bonds deposited in the state and local improvements revolving account—water supply facilities of the general fund under the terms of this chapter shall be divided into two shares as follows:

(1) Seventy-five million dollars, or so much thereof as may be required, shall be used for domestic, municipal, and industrial water supply facilities; and

(2) Fifty million dollars, or so much thereof as may be required, shall be used for water supply facilities for agricultural use alone or in combination with fishery, recreational, or other beneficial uses of water.

The share of seventy-five million dollars shall be administered by the department of social and health services and the share of fifty million dollars shall be administered by the department of ecology, subject to legislative appropriation. The administering departments may use or permit the use of any funds derived from the sale of bonds authorized under this chapter to accomplish the purpose for the issuance of the bonds by direct expenditures and by grants or loans to public bodies, including grants to public bodies as matching funds in any case where federal, local, or other funds are made available on a matching basis for improvements within the purposes of this chapter.

NEW SECTION. Sec. 5. As used in this chapter, the term "water supply facilities" means domestic, municipal, industrial, and agricultural (and any associated fishery, recreational, or other beneficial use) water supply or distribution systems including but not limited to all equipment, utilities, structures, real property, and interests in and improvements on real property necessary for or incidental to the acquisition, construction, installation, or use of any such water supply or distribution system.

As used in this chapter, the term "public body" means the state of Washington or any agency, political subdivision, taxing district, or municipal or public corporation thereof; an agency of the federal government; and those Indian tribes which may constitutionally receive grants or loans from the state of Washington.

NEW SECTION. Sec. 6. The state finance committee is authorized to prescribe the forms, terms, conditions, and covenants of the bonds; the time or times of sale of all or any portion of them; and the conditions and manner of their sale and issuance. None of the bonds authorized by this chapter may be sold for less than their par value.

NEW SECTION. Sec. 7. When the state finance committee has decided to issue the bonds, or a portion of the bonds, it may, pending the issuance of the 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". The portion of the proceeds of the sale of the bonds as may be required for this purpose shall be applied to the payment of the principal of and interest on the anticipation notes which have been issued. The bonds and notes shall pledge the full faith and credit of the state of Washington and shall contain an unconditional promise to pay the principal and interest when due. The state finance committee may authorize the use of a printed facsimile of the seal of the state of Washington in the issuance of the bonds and notes.

NEW SECTION. Sec. 8. The public water supply facilities bond redemption fund is created in the state treasury. This fund shall be exclusively devoted to the payment of interest on and retirement of the bonds authorized by this 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 the bond retirement and interest requirements. Not less than thirty days prior to the date on which any interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the public water supply facilities bond redemption fund an amount equal to the amount certified by the state finance committee to be due on the payment date. If a state general obligation bond retirement fund is created in the state treasury by chapter ... (SB 2361), Laws of 1979 1st ex. sess. and becomes effective by statute prior to the issuance of any of the bonds authorized by sections 1 through 11 of this act, the state general obligation bond retirement fund shall be used for purposes of sections 1 through 11 of this act in lieu of the public water supply facilities bond redemption fund, and the public water supply facilities bond redemption fund shall cease to exist. The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

NEW SECTION. Sec. 9. The legislature may provide additional means for raising moneys for the payment of the principal and interest of the bonds authorized in this chapter, and this chapter shall not be considered to provide an exclusive method for the payment.

NEW SECTION. Sec. 10. The bonds authorized in this chapter shall be a legal investment for all state funds or for funds under state control and for all funds of any other public body.

NEW SECTION. Sec. 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. This act shall be submitted to the people for their adoption and ratification, or rejection, at the general election to be

held in this state on the Tuesday next succeeding the first Monday in November, 1980, in accordance with Article VIII, section 3 of the state Constitution, in accordance with Article II, section 1 of the state Constitution, and the laws adopted to facilitate the operation thereof.

NEW SECTION. Sec. 13. Sections 1 through 11 of this act shall constitute a new chapter in Title 43 RCW.

Passed the Senate May 10, 1979.

Passed the House May 31, 1979.

Approved by the Governor June 15, 1979.

Filed in Office of Secretary of State June 15, 1979.

CHAPTER 235

[Substitute Senate Bill No. 2744]

INSTITUTIONS OF HIGHER EDUCATION—DEFINITION—STATE STUDENT FINANCIAL AID PROGRAM

AN ACT Relating to the state student financial aid program; and amending section 8, chapter 222, Laws of 1969 ex. sess. as amended by section 16, chapter 132, Laws of 1975 1st ex. sess. and RCW 28B.10.802.

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

Section 1. Section 8, chapter 222, Laws of 1969 ex. sess. as amended by section 16, chapter 132, Laws of 1975 1st ex. sess. and RCW 28B.10.802 are each amended to read as follows:

As used in RCW 28B.10.800 through 28B.10.824:

(1) "Institutions of higher education" shall mean (1) any public ((or private college, university or community college in the state of Washington which is accredited by the Northwest Association of Secondary and Higher Schools; and an institute of higher education shall also mean any public vocational-technical institute in the state of Washington)) university, college, community college, or vocational-technical institute operated by the state of Washington or any political subdivision thereof or (2) any other university, college, school, or institute in the state of Washington offering instruction beyond the high school level which is a member institution of an accrediting association recognized by rule of the council for the purposes of this section: PROVIDED, That any institution, branch, extension or facility operating within the state of Washington which is affiliated with an institution operating in another state must be a separately accredited member institution of any such accrediting association: PROVIDED FURTHER, That no institution of higher education shall be eligible to participate in a student financial aid program unless it agrees to and complies with program rules and regulations adopted pursuant to RCW 28B.10.822.

(2) The term "financial aid" shall mean loans and/or grants to needy students enrolled or accepted for enrollment as a full time student at institutions of higher education.

(3) The term "needy student" shall mean a post high school student of an institution of higher learning as defined in subsection (1) above who demonstrates to the ~~((commission))~~ council the financial inability, either through his parents, family and/or personally, to meet the total cost of board, room, books, and tuition and incidental fees for any semester or quarter.

(4) The term "disadvantaged student" shall mean a post high school student who by reason of adverse cultural, educational, environmental, experiential, familial or other circumstances is unable to qualify for enrollment as a full time student in an institution of higher learning, who would otherwise qualify as a needy student, and who is attending an institution of higher learning under an established program designed to qualify him for enrollment as a full time student.

(5) "Commission" or "council" shall mean the council for postsecondary education created in RCW 28B.80.010 as now or hereafter amended.

Passed the Senate March 29, 1979.

Passed the House May 29, 1979.

Approved by the Governor June 15, 1979.

Filed in Office of Secretary of State June 15, 1979.

CHAPTER 236

[Engrossed Senate Bill No. 2763]

REVIVAL OF JUDGMENTS—EXPIRATION PERIOD

AN ACT Relating to civil procedure; amending section 7, chapter 60, Laws of 1929 and RCW 4.56.210; and repealing section 8, chapter 60, Laws of 1929, section 18, chapter 81, Laws of 1971 and RCW 4.56.225.

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

Section 1. Section 7, chapter 60, Laws of 1929 and RCW 4.56.210 are each amended to read as follows:

After the expiration of ~~((six))~~ ten years from the date of the entry of any judgment heretofore or hereafter rendered in this state, it shall cease to be a lien or charge against the estate or person of the judgment debtor, and no suit, action or other proceeding shall ever be had on any judgment rendered in this state by which the lien or duration of such judgment, claim or demand, shall be extended or continued in force for any greater or longer period than ~~((six))~~ ten years from the date of the entry of the original judgment~~((, except as in RCW 4.56.225 provided))~~.

NEW SECTION. Sec. 2. Section 8, chapter 60, Laws of 1929, section 18, chapter 81, Laws of 1971 and RCW 4.56.225 are each repealed.

Passed the Senate March 29, 1979.

Passed the House May 29, 1979.

Approved by the Governor June 15, 1979.

Filed in Office of Secretary of State June 15, 1979.

CHAPTER 237

[Senate Bill No. 2765]

STATE PUBLIC SCHOOL FUNDING—APPORTIONMENT TO DISTRICTS

AN ACT Relating to education; amending section 15, chapter 15, Laws of 1970 ex. sess. as last amended by section 27, chapter 118, Laws of 1975-'76 2nd ex. sess. and RCW 28A.48.010; and making an effective date.

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

Section 1. Section 15, chapter 15, Laws of 1970 ex. sess. as last amended by section 27, chapter 118, Laws of 1975-'76 2nd 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 educational service districts of the state the proportional share of the total annual amount due and apportionable to such educational service 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))9%
October	.....	((8))9%
November	.....	((6.5))5.5%
December	.....	((8.5))9%
January	.....	((13))9%
February	.....	((13))9%
March	.....	((11))9%
April	.....	((5))9%
May	.....	((5))5.5%
June	.....	((3))9%
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 educational service districts the appropriate share of the state collected property tax due and apportionable~~

to the educational service 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 September 1st of the then calendar year and ending August 31st 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 educational service 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 educational service 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. This amendatory act is effective September 1, 1979.

Passed the Senate March 30, 1979.

Passed the House May 31, 1979.

Approved by the Governor June 15, 1979.

Filed in Office of Secretary of State June 15, 1979.

CHAPTER 238

[Substitute Senate Bill No. 2791]

AGRICULTURE

AN ACT Relating to agriculture; amending section 15.44.010, chapter 11, Laws of 1961 and RCW 15.44.010; amending section 15.44.020, chapter 11, Laws of 1961 as last amended by section 1, chapter 136, Laws of 1975 1st ex. sess. and RCW 15.44.020; amending section 15.44.050, chapter 11, Laws of 1961 and RCW 15.44.050; amending section 15.44.060, chapter 11, Laws of 1961 and RCW 15.44.060; amending section 5, chapter 136, Laws of 1975 1st ex. sess. and RCW 15.44.085; amending section 6, chapter 136, Laws of 1975 1st ex. sess. and RCW 15.44.087; amending section 15.44.090, chapter 11, Laws of 1961 as amended by section 4, chapter 136, Laws of 1975 1st ex. sess. and RCW 15.44.090; amending section 12, chapter 165, Laws of 1927 as last amended by section 16, chapter 154, Laws of 1979 and RCW 16.40.060; amending section 27, chapter 201, Laws

of 1975 1st ex. sess. and RCW 69.25.260; amending section 1, chapter 124, Laws of 1963 as last amended by section 19, chapter 7, Laws of 1975 1st ex. sess. and RCW 22.09.010; amending section 4, chapter 124, Laws of 1963 as amended by section 21, chapter 7, Laws of 1975 1st ex. sess. and RCW 22.09.040; amending section 5, chapter 124, Laws of 1963 and RCW 22.09.050; amending section 8, chapter 124, Laws of 1963 and RCW 22.09.080; amending section 13, chapter 124, Laws of 1963 and RCW 22.09.130; amending section 15, chapter 124, Laws of 1963 and RCW 22.09.150; amending section 21, chapter 124, Laws of 1963 and RCW 22.09.210; amending section 29, chapter 124, Laws of 1963 and RCW 22.09.290; amending section 30, chapter 124, Laws of 1963 and RCW 22.09.300; amending section 38, chapter 124, Laws of 1963 and RCW 22.09.380; amending section 55, chapter 124, Laws of 1963 and RCW 22.09.550; amending section 59, chapter 124, Laws of 1963 and RCW 22.09.920; adding new sections to chapter 22.09 RCW; repealing section 15.44.120, chapter 11, Laws of 1961 and RCW 15.44.120; and making an appropriation.

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

Section 1. Section 15.44.010, chapter 11, Laws of 1961 and RCW 15.44.010 are each amended to read as follows:

As used in this chapter:

"Commission" means the Washington state dairy products commission;

To "ship" means to deliver or consign milk or cream to a person dealing in, processing, distributing, or manufacturing dairy products for sale, for human consumption((-)) or industrial or medicinal uses;

"Handler" means one who purchases milk, cream, or skimmed milk for processing, manufacturing, sale, or distribution;

"Dealer" means one who handles, ships, buys, and sells dairy products, or who acts as sales or purchasing agent, broker, or factor of dairy products;

"Processor" means a person who uses milk or cream for canning, drying, manufacturing, preparing, or packaging or for use in producing or manufacturing any product therefrom;

"Producer" means a person who produces milk from cows ((~~or goats~~)) and sells it for human or animal food, or medicinal or industrial uses.

Sec. 2. Section 15.44.020, chapter 11, Laws of 1961 as last amended by section 1, chapter 136, Laws of 1975 1st ex. sess. and RCW 15.44.020 are each amended to read as follows:

There is hereby created a Washington state dairy products commission to be thus known and designated: PROVIDED, That the commission may take actions under the name, "the dairy farmers of Washington". The commission shall be composed of not more than ten members. There shall be one member from each district who shall be a practical producer of dairy products to be elected by such producers, one member shall be a dealer, and one member shall be a producer who also acts as a dealer, and such dealer and producer who acts as a dealer shall be appointed by the director of agriculture, and the director of agriculture shall be an ex officio member without vote.

Sec. 3. Section 15.44.050, chapter 11, Laws of 1961 and RCW 15.44.050 are each amended to read as follows:

The commission shall elect a manager, who is not a member, and fix his compensation; and shall appoint a secretary-treasurer, who shall sign all vouchers and receipts for all moneys received by the commission. The treasurer shall file with the commission a fidelity bond in the sum of ((twenty)) one hundred thousand dollars, executed by a surety company authorized to do business in the state, in favor of the state and the commission, conditioned for the faithful performance of his duties and strict accounting of all funds to the commission.

Sec. 4. Section 15.44.060, chapter 11, Laws of 1961 and RCW 15.44.060 are each amended to read as follows:

The commission shall have the power and duty to:

(1) Elect a chairman and such other officers as it deems advisable, and adopt, rescind, and amend rules, regulations, and orders for the exercise of its powers, which shall have the effect of law when not inconsistent with existing laws;

(2) Administer and enforce the provisions of this chapter and perform all acts and exercise all powers reasonably necessary to effectuate the purpose hereof;

(3) Employ and discharge advertising counsel, advertising agents, and such attorneys, agents, and employees as it deems necessary, and prescribe their duties and powers and fix their compensation;

(4) Establish offices, incur expenses, enter into contracts, and create such liabilities as are reasonable and proper for the proper administration of this chapter;

(5) Investigate and prosecute violations of this chapter;

(6) Conduct scientific research designed to improve milk production, quality, transportation, processing, and distribution and to develop and discover uses for products of milk and its derivatives;

(7) Make in its name such advertising contracts and other agreements as are necessary to promote the sale of dairy products on either a state, national, or foreign basis;

(8) Keep accurate records of all its dealings, which shall be open to public inspection and audit by the regular agencies of the state; and

(9) Conduct the necessary research to develop more efficient and equitable methods of marketing dairy products, and enter upon, singly or in participation with others, the promotion and development of state, national, or foreign markets.

Sec. 5. Section 5, chapter 136, Laws of 1975 1st ex. sess. and RCW 15.44.085 are each amended to read as follows:

There is hereby levied on every hundredweight of class I or class II milk, as defined in RCW 15.44.087, sold by a dealer, including any milk sold by a producer who acts as a dealer, an assessment of:

(1) Five-eighths of one cent per hundredweight. Such assessment shall be in addition to the producer assessment paid by any producer who also acts as a dealer.

(2) Any additional assessment, within the power and duty of the commission to levy, such that the total assessment shall not exceed one cent per hundredweight, as required to effectuate the purpose of this section.

Such assessment may be increased by approval of dealers and producers who also act as dealers, subject to the standards set forth in chapter 15.44 RCW ((+5.44.130)) for increasing or decreasing assessments. The funds derived from such assessment shall be used for educational programs in institutions of learning and the sum of such funds derived annually from said dealers and producers who act as dealers shall be matched by assessments derived from producers for the purpose of funding said educational purposes in institutions of learning by an amount not less than the moneys collected from dealers and producers who act as dealers.

Sec. 6. Section 6, chapter 136, Laws of 1975 1st ex. sess. and RCW 15.44.087 are each amended to read as follows:

For the purpose of RCW 15.44.085, class I and class II milk sold means milk from cows ((or goats)) produced by a producer as defined in RCW 15.44.010 and utilized as follows:

(1) Class I milk shall be all skim milk and butterfat:

(a) Sold in the form of fluid milk product subject to the following limitations and exceptions:

(i) Any products fortified with added nonfat milk solids shall be class I in an amount equal only to the weight of an equal volume of like unmodified product of the same butterfat content.

(ii) Fluid milk products in concentrated form shall be class I in an amount equal to the skim milk and butterfat used to produce the quantity of such products sold.

(iii) Products classified as class II pursuant to subsection (2) of this section are excepted.

(b) Packaged fluid milk products in inventory at the end of the month.

(2) Class II milk shall be all skim milk and butterfat:

(a) Used to produce ice cream, ice cream mix, frozen desserts, aerated cream products, plastic cream, soured cream dressing, yogurt, eggnog, cottage cheese, pot cheese, bakers cheese, cream cheese, neufchatel cheese, or starter; or

(b) Any milk or milk product, sterilized and either (i) packaged in hermetically sealed metal, plastic, foil, paper, or glass containers and used to produce condensed milk and condensed skim milk, or (ii) in fluid milk products disposed of in bulk to commercial food processing establishments or producer milk sold to a commercial food processing establishment.

Sec. 7. Section 15.44.090, chapter 11, Laws of 1961 as amended by section 4, chapter 136, Laws of 1975 1st ex. sess. and RCW 15.44.090 are each amended to read as follows:

All assessments shall be collected by the first dealer and deducted from the amount due the producer, and all moneys so collected shall be paid to the treasurer of the commission on or before the twentieth day of the succeeding month for the previous month's collections, and deposited by him in banks designated by the commission to the credit of the commission fund. If a dealer or a producer who acts as a dealer fails to remit any ~~((moneys so collected))~~ assessments, or fails to make deductions for assessments, such sum shall, in addition to penalties provided in this chapter, be a lien on any property owned by him, and shall be reported to the county auditor by the commission, supported by proper and conclusive evidence, and collected in the manner and with the same priority over other creditors as prescribed for the collection of delinquent taxes.

NEW SECTION. Sec. 8. (1) Section 15.44.120, chapter 11, Laws of 1961 and RCW 15.44.120 are each repealed.

(2) Such repeal shall not be construed as affecting any existing right acquired under the statute repealed; nor as affecting any proceeding instituted thereunder, nor any rule, regulation, or order promulgated thereunder; nor any administrative action taken thereunder.

Sec. 9. Section 12, chapter 165, Laws of 1927 as last amended by section 16, chapter 154, Laws of 1979 and RCW 16.40.060 are each amended to read as follows:

If, on the completion of any examination and test as provided in RCW 16.40.010, the inspector or veterinarian making the examination and test, shall believe that the animal is infected with tuberculosis or brucellosis, the owner of the animal shall have, with the approval of the director of agriculture or his representative, the option of indemnity or quarantine; if the owner selects indemnity he shall market the animal within fifteen days from the date of condemnation. All bovine animals which have shown a suspicious reaction to the test on three successive tests for tuberculosis or brucellosis and are held as suspects may be slaughtered under the provisions of this chapter and chapter 16.36 RCW at the option of the owner and approval of the director or his representative and the owner shall have a valid claim for indemnity to the same extent and in the same amount as for bovine animals which give a positive reaction to the above test. The animal or animals shall be slaughtered under the supervision of a veterinary inspector of the department of agriculture, or the United States department of agriculture, animal and plant health inspection service, or a veterinarian duly licensed to practice veterinary medicine, surgery and dentistry in this state. The veterinary inspector or veterinarian shall hold a post mortem examination and determine whether or not the animal shall be passed to be used for food. The post mortem examination must conform with the meat inspection

regulations of the United States department of agriculture, animal and plant health inspection service. Upon the receipt of the post mortem report and if the owner has complied with all lawful health and quarantine laws and regulations, the director of agriculture shall cause to be paid to the owner or owners of the animals an amount not exceeding twenty-five dollars for any grade female, or more than fifty dollars for any purebred registered bull or female, and for dairy breeds an amount not to exceed one hundred dollars for any grade female or more than one hundred fifty dollars for any pure bred registered bull or female or such portion thereof as would represent an equitable and agreed amount of the contribution of the state of Washington as determined by the director of agriculture and in no case shall indemnity and salvage value received exceed eighty percent of the true value, and in no case shall any indemnity be paid for grade bulls, for steers, or spayed females, and the state shall not be required to pay the owner of any animal imported into this state within six months prior to the inspection and tests, the sums hereinabove provided for, but the owner of such animal shall receive the proceeds of the sale of such slaughtered animal: PROVIDED, That within thirty days of the effective date of this 1979 act, the department shall adopt rules and regulations restricting brucellosis indemnity payments to owners of animals in this state: PROVIDED FURTHER, That these rules and regulations shall require compliance with the department's change of ownership testing program and the implementation of an approved brucellosis vaccination program: AND PROVIDED FURTHER, That the right to indemnity shall not exist nor shall payment be made for any animal owned by the United States, this state, or any county, city, town or township in this state: AND PROVIDED FURTHER, That the department shall adopt rules and regulations allowing for retroactive brucellosis indemnity payments for dairy breed females and purebred registered bulls slaughtered pursuant to this section after June 30, 1976, and before August 1, 1978, in an amount that shall not exceed one hundred fifty dollars per animal: AND PROVIDED FURTHER, That the department shall adopt rules and regulations allowing for retroactive brucellosis indemnity payments for dairy breed females and purebred registered bulls slaughtered pursuant to this section after July 31, 1978, and before June 8, 1979, in an amount that shall not exceed seventy-five dollars per animal: PROVIDED FURTHER, That no bovine animal shall be condemned for tuberculosis without having been first subjected to the tuberculin test and a positive reaction has resulted and no bovine animal shall be condemned for brucellosis unless it has been tested and classified as a reactor by the director of agriculture or his duly authorized representative.

Sec. 10. Section 27, chapter 201, Laws of 1975 1st ex. sess. and RCW 69.25.260 are each amended to read as follows:

Any egg handler or dealer may prepay the assessment provided for in RCW 69.25.250 by purchasing Washington state egg seals from the director to be placed on egg containers showing that the proper assessment has been paid. Any carton manufacturer or printer may apply to the director for a permit to place reasonable facsimiles of the Washington state egg seals to be imprinted on egg containers or on the identification labels which show egg grade and size and the name of the egg handler or dealer. The director shall, from time to time, prescribe rules and regulations governing the affixing of seals and he is authorized to cancel any such permit issued pursuant to this chapter, whenever he finds that a violation of the terms under which the permit has been granted has been violated.

NEW SECTION. Sec. 11. To carry out the provisions of section 9 of this 1979 act there is appropriated to the department from the general fund for the biennium ending June 30, 1981, the sum of two hundred sixty thousand dollars, or so much thereof as may be necessary.

Sec. 12. Section 1, chapter 124, Laws of 1963 as last amended by section 19, chapter 7, Laws of 1975 1st ex. sess. and RCW 22.09.010 are each amended to read as follows:

((For the purpose of this chapter:)) The definitions set forth in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of agriculture of the state of Washington.

(2) "Director" means the director of the department or his duly authorized representative.

(3) "Person" means a natural person, individual, firm, partnership, corporation, company, society, association, cooperative, port district, or two or more persons having a joint or common interest.

(4) "Agricultural commodities~~((;))~~," hereinafter referred to as "commodities," means, but is not limited to, all the grains, hay, peas, hops, grain and hay products, beans, lentils, corn, sorghums, malt, peanuts, flax, and other similar agricultural products, and shall also include agricultural seeds but only when stored by a warehouseman who issues negotiable warehouse receipts therefor.

(5) "Public warehouse," hereinafter referred to as "warehouse," means any elevator, mill, warehouse, ~~((public))~~ subterminal grain warehouse, public warehouse, terminal warehouse, ~~((station;))~~ or other structure or facility in which commodities are received from the public for storage, shipment, or handling, for compensation, and in the case of hay any yard or other enclosure within five miles thereof: PROVIDED, That this shall not include any warehouse storing or handling fresh fruits and/or vegetables or any warehouse used exclusively for cold storage.

(6) "Terminal warehouse" means any warehouse designated as a terminal by the department, and located at an inspection point where inspection

facilities are maintained by the department and where commodities are ordinarily received and shipped by common carrier.

(7) "Inspection point" means a city, town, or other place wherein the department maintains inspection and weighing facilities.

(8) "Station" means two or more warehouses between which commodities are commonly transferred in the ordinary course of business and which are (a) immediately adjacent to each other, or (b) located within the corporate limits of any city or town and subject to the same transportation tariff zone, or (c) at any railroad siding or switching area and subject to the same transportation tariff zone, or (d) at one location in the open country off rail, or (e) in any area which can be reasonably audited by the department as a station under the provisions of this chapter and which has been established as such by the director by rule or regulation adopted pursuant to chapter 34.04 RCW, or (f) within twenty miles of each other but separated by the border between Washington and Idaho or Oregon when the books and records for such station are maintained at the warehouse located in Washington.

(9) "Depositor" means any person who deposits a commodity in a warehouse for storage, handling, or shipment, or who is the owner or legal holder of a warehouse receipt, outstanding scale weight ticket, or other evidence of such deposit or any person whose agricultural commodity has been sold to or is under control of the warehouseman for selling, processing, or handling for compensation, whether or not such commodity is in the warehouse.

(10) "Warehouse receipt" means a negotiable or nonnegotiable warehouse receipt as provided for in ~~((the Uniform Warehouse Receipts Act (chapter 22.04 RCW)))~~ Article 7 of Title 62A RCW, as enacted or hereafter amended.

(11) "Warehouseman" means any person owning, operating, or controlling a warehouse.

(12) "Scale weight ticket" means a load slip or other evidence of deposit, serially numbered, not including warehouse receipts as defined in subsection (10) of this section, given a depositor on request upon initial delivery of the commodity to the warehouse and shall show the warehouse name, and state number, type of commodity, weight thereof, name of depositor, and the date delivered.

(13) "Subterminal warehouse" means any warehouse which performs an intermediate function in which agricultural commodities are customarily received from dealers rather than producers and where the commodities are accumulated prior to shipment to a terminal warehouse.

(14) "Put through" means agricultural commodities which are deposited in a warehouse for receiving, handling, conditioning, or shipping, and on which the depositor has concluded satisfactory arrangements with the warehouseman for the immediate or impending shipment of the commodity.

Sec. 13. Section 4, chapter 124, Laws of 1963 as amended by section 21, chapter 7, Laws of 1975 1st ex. sess. and RCW 22.09.040 are each amended to read as follows:

Application for a license to operate a warehouse under the provisions of this chapter shall be on a form prescribed by the department and shall include:

(1) The full name of the person applying for the license and whether the applicant is an individual, partnership, association, corporation, or other;

(2) The full name of each member of the firm or partnership, or the names of the officers of the company, society, cooperative association, or corporation;

(3) The principal business address of the applicant in the state and elsewhere;

(4) The name or names of the person or persons authorized to receive and accept service of summons and legal notices of all kinds for the applicant;

(5) The location of each warehouse the applicant intends to operate and the preponderate commodity expected in storage;

(6) The bushel storage capacity of each such warehouse to be licensed, including a schematic diagram accurately showing the areas of storage and floor plan of the warehouse;

(7) The schedule of fees to be charged at each warehouse for the handling, storage, and shipment of all commodities during the licensing period;

(8) A financial statement to determine the net worth of the applicant to determine whether or not the applicant meets the minimum net worth requirements established by the director pursuant to chapter 34.04 RCW;

(9) Whether the application is for a ~~((station,))~~ terminal, subterminal, or public warehouse license;

(10) Any other reasonable information the department finds necessary to carry out the purpose and provisions of this chapter.

Sec. 14. Section 5, chapter 124, Laws of 1963 and RCW 22.09.050 are each amended to read as follows:

Any application for a license to operate a warehouse shall be accompanied by a license fee of one hundred dollars for a terminal warehouse, seventy-five dollars for a subterminal warehouse, and twenty-five dollars for a public warehouse. If a licensee operates more than one warehouse, under one state license as provided for in RCW 22.09.030, the license fee shall be computed by multiplying the number of physically separated warehouses within such station by the applicable terminal, subterminal, or public warehouse license fee. If an application for renewal of a license or licenses is not received by the department prior to June 30th of any year, a penalty of fifty dollars shall be assessed and added to the original fee and shall be paid by the applicant before the renewal license ~~((shall))~~ may be issued. This penalty ~~((shall))~~ does not apply if the applicant furnishes an affidavit certifying

that he has not acted as a warehouseman subsequent to the expiration of his prior license.

Sec. 15. Section 8, chapter 124, Laws of 1963 and RCW 22.09.080 are each amended to read as follows:

The department is authorized to deny, suspend, or revoke a license after a hearing in any case in which it is determined that there has been a violation or refusal to comply with the requirements of this chapter, rules adopted hereunder, or the provisions of ~~((the Uniform Warehouse Receipts Act (chapter 22.04 RCW)))~~ Article 7 of Title 62A RCW as enacted or hereafter amended. All hearings for the denial, suspension, or revocation of a license shall be subject to chapter 34.04 RCW (Administrative Procedure Act) as enacted or hereafter amended.

Sec. 16. Section 13, chapter 124, Laws of 1963 and RCW 22.09.130 are each amended to read as follows:

(1) Every warehouseman shall receive for storage, handling, or shipment, so far as the capacity and facilities of his warehouse will permit, all commodities included in the provisions of this chapter, in suitable condition for storage, tendered him in the usual course of business and shall issue therefor a warehouse receipt or receipts in form prescribed by the department as herein provided or a scale weight ticket. The deposit for storage, shipment, or handling of such commodity must be credited to the depositor in the books of the warehouseman within seven days from the date of such deposit. If the commodity has been graded a warehouse receipt shall be issued within ten days after demand by the owner.

(2) If requested by the depositor, each lot of his commodity shall be kept in a special pile or special bin, if available, but in the case of a bulk commodity, if the lot or any portion of it does not equal the capacity of any available bin, the depositor may exercise his option to require the commodity to be specially binned only on agreement to pay charges based on the capacity of the available bin most nearly approximating the required capacity.

(3) A warehouseman ~~((shall have the right to))~~ may refuse to accept for storage, commodities which are wet, damaged, insect-infested, or in other ways unsuitable for storage.

(4) Terminal and subterminal warehousemen shall receive put through agricultural commodities to the extent satisfactory transportation arrangements can be made, but may not be required to receive agricultural commodities for storage.

Sec. 17. Section 15, chapter 124, Laws of 1963 and RCW 22.09.150 are each amended to read as follows:

(1) The duty of the warehouseman to deliver the commodity stored shall be governed by the provisions of this chapter and the requirements of ~~((the~~

~~Uniform Warehouse Receipts Act (chapter 22.04 RCW)))~~ Article 7 of Title 62A RCW as enacted or hereafter amended. Upon the return of the receipt to the proper warehouseman, properly endorsed, and upon payment or tender of all advances and legal charges, commodities of the grade and quantity named therein shall be delivered to the holder of such receipt, except as provided by ~~((the Uniform Warehouse Receipts Act (chapter 22.04 RCW)))~~ Article 7 of Title 62A RCW as enacted or hereafter amended.

(2) A warehouseman's duty to deliver any commodity is fulfilled if delivery is made pursuant to the contract with the depositor or if no contract exists, then to the several owners in the order of demand as rapidly as it can be done by ordinary diligence; where delivery is made within forty-eight hours excluding Saturdays, Sundays, and legal holidays after facilities for receiving the commodity are provided, such delivery is deemed to comply with this subsection.

(3) No warehouseman shall fail to deliver a commodity as provided in this section, and delivery shall be made at the warehouse or station where the commodity was received unless agreed otherwise.

(4) In addition to being subject to penalties provided in this chapter for a violation of this section, if a warehouseman unreasonably fails to deliver commodities within the time as provided in this section, the person entitled to delivery of the commodity may maintain an action against the warehouseman for any damages resulting from the warehouseman's unreasonable failure to so deliver. In any such action the person entitled to delivery of the commodity has the option to seek recovery of his actual damages or liquidated damages of one-half of one percent of the value for each day's delay after such forty-eight hour period.

Sec. 18. Section 21, chapter 124, Laws of 1963 and RCW 22.09.210 are each amended to read as follows:

It ~~((shall be))~~ is unlawful for any warehouseman to receive in any terminal warehouse any ~~((grain))~~ commodity that has not been weighed, inspected, and/or graded by an employee of the department under the supervision of a duly authorized inspector of the department, or to deliver out of any terminal warehouse any ~~((grain))~~ commodity that has not been weighed, inspected, and/or graded in such manner.

Sec. 19. Section 29, chapter 124, Laws of 1963 and RCW 22.09.290 are each amended to read as follows:

(1) Every warehouse receipt issued for commodities covered by this chapter shall embody within its written or printed terms:

(a) The grade of the commodities received as established by the official standards of this state, unless the identity of the commodity is in fact preserved in a special pile or special bin, and an identifying mark of such pile or bin shall appear on the face of the receipt and on the pile or bin. Such commodity in such special pile or bin shall not be removed or relocated

without canceling the outstanding receipt and issuing a new receipt showing such change;

(b) Such other terms and conditions as required by ~~((the Uniform Warehouse Receipts Act (chapter 22.04 RCW)))~~ Article 7 of Title 62A RCW as enacted or hereafter amended: PROVIDED, That nothing contained therein shall require a receipt issued for wheat to specifically state the variety of wheat by name;

(c) A clause reserving for the warehouseman the optional right to terminate storage and collect outstanding charges against any lot of commodities after June 30th following the date of the receipt.

(2) Warehouse receipts issued under the United States Warehouse Act (7 USCA § 241 et seq.) shall be deemed to fulfill the requirements of this chapter so far as it pertains to the issuance of warehouse receipts.

Sec. 20. Section 30, chapter 124, Laws of 1963 and RCW 22.09.300 are each amended to read as follows:

(1) All warehouse receipts issued under this chapter shall be upon forms prescribed by the department and supplied only to licensed warehousemen at cost of printing, packing, and shipping, as determined by the department. They shall contain the state number of such license and shall be numbered serially for each state number and the original negotiable receipts shall bear the state seal. Requests for such receipts shall be on forms furnished by the department and shall be accompanied by payment to cover cost: PROVIDED, That the department by order may allow a warehouseman to have his individual warehouse receipts printed, after the form of the receipt is approved as in compliance with this chapter, and the warehouseman's printer shall supply an affidavit stating the amount of receipts printed, numbers thereof: PROVIDED FURTHER, That the warehouseman must supply a bond in an amount fixed by the department and not to exceed five thousand dollars to cover any loss resulting from the unlawful use of any such receipts.

(2) All warehouse receipts shall comply with the provisions of ~~((the Uniform Warehouse Receipts Act (chapter 22.04 RCW)))~~ Article 7 of Title 62A RCW as enacted or hereafter amended, except as to the variety of wheat as set forth in RCW 22.09.290(1)(b) herein, and with the provisions of this chapter where not inconsistent or in conflict with ~~((the Uniform Warehouse Receipts Act))~~ Article 7 of Title 62A RCW. All receipts remaining unused shall be confiscated by the department if the license required herein is not promptly renewed or is suspended, revoked, or canceled.

Sec. 21. Section 38, chapter 124, Laws of 1963 and RCW 22.09.380 are each amended to read as follows:

The department may designate a warehouse located at an inspection point as a terminal warehouse. The ~~((cities of Spokane, Pasco, Seattle,~~

~~Facoma, Longview, Kalama, and Vancouver shall be considered))~~ department shall, by rule, designate inspection points ((and)) which shall be provided with state/federal inspection and weighing services commencing July 1, ((1963: PROVIDED, That)) 1979. The revenue from inspection and weighing shall equal the cost of providing such services. Where the department after hearing determines that such cities are no longer necessary as inspection points it may by ((regulation)) rule change such designated inspection points by removing one or more ((or by designating other)) locations ((as inspection points where commodities are received and shipped by common carrier and which reasonably justify and render necessary the inspection and weighing thereof: PROVIDED FURTHER, That the revenue from inspection and weighing at such inspection points shall equal the cost of providing such services)).

Sec. 22. Section 55, chapter 124, Laws of 1963 and RCW 22.09.550 are each amended to read as follows:

The director may cooperate with and enter into agreements with governmental agencies of this state, other states, agencies of the federal government, and private associations in order to carry out the purpose and provisions of this chapter and the United States Warehouse Act (7 USCA § 241 et seq.) and the United States Grain Standards Act, as amended (7 USCA § 71, et seq.). Notwithstanding any other provision of this chapter such agreements may also relate to a joint program for licensing, bonding, and inspecting stations as defined in RCW 22.09.010(8)(f). Such a program should be designed to avoid duplication of effort on the part of the licensing authority and requirements for operation, and promote more efficient enforcement of the provisions of this chapter and/or comparable provisions of the law of the states of Idaho or Oregon.

Sec. 23. Section 59, chapter 124, Laws of 1963 and RCW 22.09.920 are each amended to read as follows:

Nothing ~~((herein contained))~~ in this chapter, with the exception of RCW 22.09.290(1)(b), shall be deemed to repeal, amend, or modify ((the Uniform Warehouse Receipts Act (chapter 22.04 RCW)) Article 7 of Title 62A RCW.

NEW SECTION. Sec. 24. There is added to chapter 22.09 RCW a new section to read as follows:

RCW 22.09.190 does not apply to contracts entered into with a governmental agency, state or federal, for the handling or storage of agricultural commodities.

NEW SECTION. Sec. 25. There is added to chapter 22.09 RCW a new section to read as follows:

Notwithstanding the provisions of chapter 42.17 RCW, the department shall publish annually and distribute to interested parties, a list of licensed

warehouses showing the location, county, capacity, and bond coverage for each company.

NEW SECTION. Sec. 26. There is added to chapter 22.09 RCW a new section to read as follows:

When a station as defined in RCW 22.09.010(8)(f) is licensed pursuant to this chapter, the department may assert any and all the remedies provided for in this chapter, including but not limited to those remedies provided for in RCW 22.09.350. Furthermore, if inspection of that portion of the station located in the contiguous state is refused by the licensee, the department may give notice to the licensee to submit to such inspection as the department may deem necessary.

If such station refuses to comply with the terms of the notice within twenty-four hours, the director may summarily suspend the station's license pending a hearing in compliance with chapter 34.04 RCW.

NEW SECTION. Sec. 27. 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 June 1, 1979.

Passed the House May 12, 1979.

Approved by the Governor June 15, 1979.

Filed in Office of Secretary of State June 15, 1979.

CHAPTER 239

[Engrossed Substitute Senate Bill No. 2976]

CITIES, TOWNS, PUBLIC UTILITY DISTRICTS—CONSUMER ENERGY CONSERVATION ASSISTANCE PROGRAM

AN ACT Relating to energy conservation; adding a new section to chapter 35.92 RCW; adding a new section to chapter 54.16 RCW; creating a new section; and providing an effective date.

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

NEW SECTION. Section 1. The conservation of energy in all forms and by every possible means is found and declared to be a public purpose of highest priority. The legislature further finds and declares that all municipal corporations, quasi municipal corporations, and other political subdivisions of the state which are engaged in the generation, sale, or distribution of energy should be granted the authority to develop and carry out programs which will conserve resources, reduce waste, and encourage more efficient use of energy by consumers.

In order to establish the most effective state-wide program for energy conservation, the legislature hereby encourages any company, corporation, or association engaged in selling or furnishing utility services to assist their

customers in the acquisition and installation of materials and equipment, for compensation or otherwise, for the conservation or more efficient use of energy.

NEW SECTION. Sec. 2. There is added to chapter 35.92 RCW a new section to read as follows:

Any city or town engaged in the generation, sale, or distribution of energy is hereby authorized, within limits established by the Constitution of the state of Washington, to assist the owners of residential structures in financing the acquisition and installation of materials and equipment, for compensation or otherwise, for the conservation or more efficient use of energy in such structures pursuant to an energy conservation plan adopted by the city or town if the cost per unit of energy saved or produced by the use of such materials and equipment is less than the cost per unit of energy produced by the next least costly new energy resource which the city or town could acquire to meet future demand. Except where otherwise authorized, such assistance shall be limited to:

(1) Providing an inspection of the residential structure, either directly or through one or more inspectors under contract, to determine and inform the owner of the estimated cost of purchasing and installing conservation materials and equipment for which financial assistance will be approved and the estimated life cycle savings in energy costs that are likely to result from the installation of such materials or equipment;

(2) Providing a list of businesses who sell and install such materials and equipment within or in close proximity to the service area of the city or town, each of which businesses shall have requested to be included and shall have the ability to provide the products in a workmanlike manner and to utilize such materials in accordance with the prevailing national standards.

(3) Arranging to have approved conservation materials and equipment installed by a private contractor whose bid is acceptable to the owner of the residential structure and verifying such installation; and

(4) Arranging or providing financing for the purchase and installation of approved conservation materials and equipment. Such materials and equipment shall be purchased from a private business and shall be installed by a private business or the owner.

(5) Pay back shall be in the form of incremental additions to the utility bill, billed either together with use charge or separately. Loans shall not exceed 120 months in length.

NEW SECTION. Sec. 3. There is added to chapter 54.16 RCW a new section to read as follows:

Any district is hereby authorized, within limits established by the Constitution of the state of Washington, to assist the owners of residential structures in financing the acquisition and installation of materials and equipment, for compensation or otherwise, for the conservation or more efficient use of energy in such structures pursuant to an energy conservation

plan adopted by the district if the cost per unit of energy saved or produced by the use of such materials and equipment is less than the cost per unit of energy produced by the next least costly new energy resource which the district could acquire to meet future demand. Except where otherwise authorized, such assistance shall be limited to:

(1) Providing an inspection of the residential structure, either directly or through one or more inspectors under contract, to determine and inform the owner of the estimated cost of purchasing and installing conservation materials and equipment for which financial assistance will be approved and the estimated life cycle savings in energy costs that are likely to result from the installation of such materials or equipment;

(2) Providing a list of businesses who sell and install such materials and equipment within or in close proximity to the service area of the district, each of which businesses shall have requested to be included and shall have the ability to provide the products in a workmanlike manner and to utilize such materials in accordance with the prevailing national standards.

(3) Arranging to have approved conservation materials and equipment installed by a private contractor whose bid is acceptable to the owner of the residential structure and verifying such installation; and

(4) Arranging or providing financing for the purchase and installation of approved conservation materials and equipment. Such materials and equipment shall be purchased from a private business and shall be installed by a private business or the owner.

(5) Pay back shall be in the form of incremental additions to the utility bill, billed either together with use charge or separately. Loans shall not exceed 120 months in length.

NEW SECTION. Sec. 4. This 1979 act shall take effect on the same date as the proposed amendment to Article VIII of the state Constitution, authorizing the use of public moneys or credit to promote conservation or more efficient use of energy, is validly submitted and is approved and ratified by the voters at a general election held in November, 1979. If the proposed amendment is not so approved and ratified, this 1979 act shall be null and void in its entirety.

Passed the Senate May 29, 1979.

Passed the House May 23, 1979.

Approved by the Governor June 15, 1979.

Filed in Office of Secretary of State June 15, 1979.

CHAPTER 240

[Engrossed Substitute Senate Bill No. 2993]

PUBLIC UTILITY DISTRICTS—FORMATION—ELECTIONS—SUITS,
VENUE

AN ACT Relating to public utility districts; amending section 3, chapter 1, Laws of 1931 as amended by section 1, chapter 53, Laws of 1977 and RCW 54.08.010; amending section 3, chapter 106, Laws of 1969 and RCW 54.08.070; and amending section 12, chapter 390, Laws of 1955 and RCW 54.16.110.

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

Section 1. Section 3, chapter 1, Laws of 1931 as amended by section 1, chapter 53, Laws of 1977 and RCW 54.08.010 are each amended to read as follows:

At any general election held in an even-numbered year, the county legislative authority of any county in this state may, or, on petition of ten per cent of the qualified electors of such county(;) based on the total vote cast in the last general county election held in an even-numbered year, shall, by resolution, submit to the voters of such county the proposition of creating a public utility district which shall be coextensive with the limits of such county as now or hereafter established. A form of petition for the creation of a public utility district shall be submitted to the county auditor within ten months prior to the election at which such proposition is to be submitted to the voters. ~~((Such))~~ Petitions shall be filed with the county auditor(;; ~~who~~) not less than four months before such election and the county auditor shall within ((fifteen)) thirty days examine the signatures thereof and certify to the sufficiency or insufficiency thereof((, and for such purpose the county auditor shall have access to all registration books in the possession of election officers within such county)). If such petition be found to be insufficient, it shall be returned to the persons filing the same, who may amend or add names thereto for ten days, when the same shall be returned to the county auditor, who shall have an additional fifteen days to examine the same and attach his certificate thereto. No person having signed such petition shall be allowed to withdraw his name therefrom after the filing of the same with the county auditor: PROVIDED, That each signature shall be dated and that no signature dated prior to the date on which the form of petition was submitted to the county auditor shall be valid. Whenever such petition shall be certified to as sufficient, the county auditor shall forthwith transmit the same, together with his certificate of sufficiency attached thereto, to the county legislative authority((, which shall thereupon immediately transmit such proposition to the election board of such county, and it shall be the duty of such county election board to submit such proposition to the voters at the next general election)) which shall submit such proposition to the voters of said county at the next general election in an even-numbered year occurring forty-five days after submission of the proposition to said legislative authority. The notice of the election shall state the boundaries of the proposed public utility district and the object of such election, and shall in other respects conform to the requirements of the general laws of the state of Washington, governing the time and manner of

holding elections. In submitting the said question to the voters for their approval or rejection, the proposition shall be expressed on said ballot substantially in the following terms:

- Public Utility District No. YES
- Public Utility District No. NO

Any petition for the formation of a public utility district may describe a less area than the entire county in which the petition is filed, the boundaries of which shall follow the then existing precinct boundaries and not divide any voting precinct; and in the event that such a petition is filed the county legislative authority shall fix a date for a hearing on such petition, and shall publish the petition, without the signatures thereto appended, for two weeks prior to the date of the hearing, together with a notice stating the time of the meeting when such petition will be heard. Such publication, and all other publications required by this act, shall be in a newspaper published in the proposed or established public utility district, or, if there be no such newspaper, then in a newspaper published in the county in which such district is situated, and of general circulation in such county. The hearing on such petition may be adjourned from time to time, not exceeding four weeks in all. If upon the final hearing the county legislative authority shall find that any lands have been unjustly or improperly included within the proposed public utility district and will not be benefited by inclusion therein, it shall change and fix the boundary lines in such manner as it shall deem reasonable and just and conducive to the public welfare and convenience, and make and enter an order establishing and defining the boundary lines of the proposed public utility district: PROVIDED, That no lands shall be included within the boundaries so fixed lying outside the boundaries described in the petition, except upon the written request of the owners of such lands. Thereafter the same procedure shall be followed as prescribed in this chapter for the formation of a public utility district including an entire county, except that the petition and election shall be confined solely to the lesser public utility district.

No public utility district created after the effective date of this 1979 act shall include any other public utility district within its boundaries: PROVIDED, That this paragraph shall not alter, amend, or modify provisions of chapter 54.32 RCW.

Sec. 2. Section 3, chapter 106, Laws of 1969 and RCW 54.08.070 are each amended to read as follows:

Any district which does not own or operate electric facilities for the generation, transmission or distribution of electric power on March 25, 1969, or any district which hereafter does not construct or acquire such electric facilities within ten years of its creation, shall not construct or acquire any such electric facilities without ~~((first submitting))~~ the approval of such proposal ~~((to))~~ by the voters of such district ~~((for their approval))~~:

PROVIDED, That a district shall have the power to construct or acquire electric facilities within ten years following its creation by action of its commission without ~~((submitting such action to))~~ voter approval of such action.

At any general election held in an even-numbered year, the proposal to construct or acquire electric facilities may be submitted ((at any general election (as defined in this act);)) to the voters of the district by resolution of the public utility district commission or ((in the same manner as provided for the creation of a district under RCW 54.08.010)) shall be submitted to the voters of the district by the county legislative authority on petition of ten percent of the qualified electors of such district, based on the total vote cast in the last general county election held in an even-numbered year. A form of petition for the construction or acquisition of electric facilities by the public utility district shall be submitted to the county auditor within ten months prior to the election at which such proposition is to be submitted to the voters. Petitions shall be filed with the county auditor not less than four months before such election and the county auditor shall within thirty days examine the signatures thereof and certify to the sufficiency or insufficiency thereof. If such petition is found to be insufficient, it shall be returned to the persons filing the same, who may amend and add names thereto for ten days, when the same shall be returned to the county auditor, who shall have an additional fifteen days to examine the same and attach his certificate thereto. No person having signed such petition shall be allowed to withdraw his name therefrom after the filing of the same with the county auditor: PROVIDED, That each signature shall be dated and that no signature dated prior to the date on which the form of petition was submitted to the county auditor shall be valid. Whenever such petition shall be certified to as sufficient, the county auditor shall forthwith transmit the same, together with his certificate of sufficiency attached thereto, to the county legislative authority which shall submit such proposition to the voters of said district at the next general election in an even-numbered year occurring forty-five days after submission of the proposition to said legislative authority. The notice of the election shall state the object of such election, and shall in other respects conform to the requirements of the general laws of Washington, governing the time and manner of holding elections.

The proposal submitted to the voters for their approval or rejection, shall be expressed on the ballot substantially in the following terms:

Shall Public Utility District No. of County construct or acquire electric facilities for the generation, transmission or distribution of electric power?

- Yes
- No

Within ten days after such election, the election board of the county shall canvass the returns, and if at such election a majority of the voters voting on such proposition shall vote in favor of such construction or acquisition of electric facilities, the district shall be authorized to construct or acquire electric facilities.

Sec. 3. Section 12, chapter 390, Laws of 1955 and RCW 54.16.110 are each amended to read as follows:

A district may sue in any court of competent jurisdiction, and may be sued in the county in which ((it)) its principal office is located or in which it owns or operates facilities. No suit for damages shall be maintained against a district except on a claim filed with the commission complying in all respects with the terms and requirements for claims for damages filed against cities of the second class.

Passed the Senate May 31, 1979.

Passed the House May 12, 1979.

Approved by the Governor June 15, 1979.

Filed in Office of Secretary of State June 15, 1979.

CHAPTER 241

[Substitute Senate Bill No. 3101]

COMMON SCHOOLS—PLANT FACILITIES CONSTRUCTION—BOND ISSUE—TRUST LANDS TIMBER SALES COMPENSATION

AN ACT Relating to the common schools and the support thereof; providing for the construction of common school plant facilities and the financing thereof by the issuance of bonds, including bond anticipation notes; providing ways and means of payment of the bonds; rescinding authority to issue certain bonds for school plant facilities; providing compensation for the sale of timber on trust lands; adding new sections to Title 28A RCW as a new chapter thereof; creating a new section; and declaring an emergency.

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

NEW SECTION. Section 1. For the purpose of furnishing funds for state assistance to school districts in providing for the construction of common school plant facilities, the state finance committee is hereby authorized to issue general obligation bonds of the state of Washington, the first authorization of which shall be in the sum of thirty million dollars and designated as Series I bonds, and the second authorization which shall be in the sum of seventy-four million dollars and designated as the Series II bonds, or so much thereof of each authorization as shall be required to provide state assistance to local school districts for the construction of common school plant facilities. No bonds authorized by this chapter shall be offered for sale without prior legislative appropriation and these bonds shall be paid and discharged in not more than thirty years of the date of issuance.

NEW SECTION. Sec. 2. When the state finance committee has determined to issue the general obligation bonds or a portion of such series

thereof as authorized in section 1 of this act, it may, pending the issuance thereof, issue in the name of the state temporary notes in anticipation of the issuance of the bonds, which notes shall be designated as "bond anticipation notes." Such portion of the proceeds of the sale of each series of bonds as may be required for the payment of the principal of and redemption premium, if any, and interest on the notes shall be applied thereto when the bonds are issued.

NEW SECTION. Sec. 3. The state finance committee is authorized to prescribe the form, terms, conditions, and covenants of the bonds and/or the bond anticipation notes authorized by this chapter, the time or times of sale of all or any portion of them, and the conditions and manner of their sale and issuance.

Each bond and bond anticipation note shall pledge the full faith and credit of the state of Washington and shall contain an unconditional promise to pay the principal thereof and interest thereon when due.

NEW SECTION. Sec. 4. Except for that portion of the proceeds required to pay bond anticipation notes, the proceeds from the sale of the bonds and/or bond anticipation notes authorized by this chapter, and any interest earned on the proceeds, 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 common school building construction account of the general fund, and shall be used exclusively for the purposes of carrying out the provisions of this chapter, and for payment of the expense incurred in the printing, issuance and sale of such bonds.

NEW SECTION. Sec. 5. The common school building bond retirement fund of 1979 is hereby created in the state treasury for the purpose of payment of the principal of and interest on the bonds authorized by this chapter.

The state finance committee, on or before June 30th of each year, shall certify to the state treasurer the amounts required in the next succeeding twelve months for the payment of the principal of and the interest coming due on each series of the bonds and the dates on which the payments are due. The state treasurer, not less than thirty days prior to the date on which any interest or principal and interest payment is due, shall withdraw from any general state revenues or any other funds constitutionally available and received in the state treasury and deposit in the common school building bond retirement fund of 1979 an amount equal to the amount certified by the state finance committee to be due on the payment date. Separate accounting records shall be maintained by the state treasurer of the debt service requirements of each series of bonds payable from the common school building bond retirement fund of 1979, as certified by the state finance committee.

NEW SECTION. Sec. 6. Prior to June 30th of each year the superintendent of public instruction shall cause to be accumulated in the common school construction fund from moneys transferred into the fund from the interest on the permanent common school fund, an amount at least equal to the amount required in the next succeeding twelve months for the payment of the principal of and interest on the Series I bonds issued under this chapter. Not less than thirty days prior to the date on which any interest or principal and interest payment is due, the superintendent of public instruction shall cause the amount so computed to be transferred from the common school construction fund to the general fund of the state treasury.

NEW SECTION. Sec. 7. The bonds authorized by this chapter shall constitute a legal investment for all state funds or for funds under state control and all funds of municipal corporations.

NEW SECTION. Sec. 8. The Series I bonds authorized by this chapter shall be first issued and only after the superintendent of public instruction has certified, based upon estimates submitted by the state finance committee of future interest earnings of the permanent common school fund and other factors, that an adequate balance will be available in the common school construction fund to enable the superintendent of public instruction to meet the requirements of section 6 of this act during the life of the bonds to be issued.

NEW SECTION. Sec. 9. No provisions of this chapter shall be deemed to repeal, override, or limit any provision of RCW 28A.47.784 through 28A.47.811, nor any provision or covenant of the proceedings of the state finance committee acting for and on behalf of the state of Washington heretofore or hereafter taken in the issuance of its revenue or general obligation bonds secured by a pledge of the interest earnings of the permanent common school fund under these statutes. The obligation of the superintendent of public instruction to make the transfers provided for in section 6 of this act shall be subject and subordinate to the lien and charge of the outstanding public school building revenue bonds, and any refunding general obligation bonds hereafter issued, on the interest earnings of the permanent common school fund pledged to secure the bonds.

NEW SECTION. Sec. 10. Not less than twenty-two million dollars of the proceeds received from the sale of the Series II bonds shall serve as total compensation to the common schools for the sale of timber from trust lands heretofore sold to the state parks and recreation commission pursuant to RCW 43.51.270 and 43.51.280.

NEW SECTION. Sec. 11. Debt service requirements of the bonds authorized by this chapter shall be included under the state's debt limitations.

NEW SECTION. Sec. 12. Sections 1 through 11 of this act are added to Title 28A RCW as a new chapter thereof.

NEW SECTION. Sec. 13. Authority to issue the balance of general obligation bonds authorized by chapter 13, Laws of 1969 and unissued in the amount of three million nine hundred thousand dollars is hereby rescinded.

NEW SECTION. Sec. 14. 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. 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 June 1, 1979.

Passed the House June 1, 1979.

Approved by the Governor June 15, 1979.

Filed in Office of Secretary of State June 15, 1979.

CHAPTER 242

[Substitute Senate Bill No. 3126]

COSMETOLOGY—MANICURISTS—SHOPS, MANAGER OPERATORS, LICENSES

AN ACT Relating to cosmetology; amending section 1, chapter 25, Laws of 1974 ex. sess. as amended by section 14, chapter ... (House Bill No. 849), Laws of 1979 and RCW 18.18.010; amending section 5, chapter 180, Laws of 1951 as last amended by section 13, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.18.090; amending section 7, chapter 180, Laws of 1951 as last amended by section 2, chapter 310, Laws of 1977 ex. sess. and RCW 18.18.140; amending section 11, chapter 52, Laws of 1957 as last amended by section 1, chapter 310, Laws of 1977 ex. sess. and RCW 18.18.260; and adding a new section to chapter 18.18 RCW.

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

Section 1. Section 1, chapter 25, Laws of 1974 ex. sess. as amended by section 14, chapter ... (House Bill No. 849), Laws of 1979 and RCW 18.18.010 are each amended 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) "Manicurist manager operator" means a person having practiced as a manicurist under a manager operator for six months;

(8) 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 this subdivision shall not apply to any person attending as a student prior to June 11, 1959;

~~((8))~~ (9) 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))~~ (10) A "manager operator" is any person having practiced as an operator under the supervision of a manager operator for at least one year;

~~((10))~~ (11) 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))~~ (12) A "manicurist shop" is any building or structure, or any part thereof, other than a school, where only the practice of manicuring is conducted;

(13) A "school" is an institution of learning devoted exclusively to the instruction and training of students in the practice of hairdressing and cosmetology;

~~((12))~~ (14) 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))~~ (15) "Director" means the director of licensing;

((+4)) (16) "Committee" means the cosmetology examining committee;

((+5)) (17) "Board" means the hearing board.

Sec. 2. Section 5, chapter 180, Laws of 1951 as last amended by section 13, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.18.090 are each amended to read as follows:

Each application for student enrollment, manicurist, manicurist manager operator, operator, instructor operator, manager operator, shop, manicurist shop, or school shall be accompanied by a fee determined by the director as provided in RCW 43.24.085 as now or hereafter amended. Any applicant who fails to pass the examination may take the next succeeding examination with payment of an additional fee determined by the director as provided in RCW 43.24.085.

Sec. 3. Section 7, chapter 180, Laws of 1951 as last amended by section 2, chapter 310, Laws of 1977 ex. sess. and RCW 18.18.140 are each amended to read as follows:

Operator, manicurist, instructor operator, manager operator, manicurist manager operator, shop, manicurist shop, or school licenses may be renewed from year to year upon the payment on or before the first day of each July following their issuance, of a renewal fee determined by the director as provided in RCW 43.24.085 as now or hereafter amended.

Any manicurist, operator, manager operator, manicurist manager operator, or instructor operator whose license has lapsed may have the same renewed upon payment of all fees which the applicant would have been required to pay to keep such license in effect, and an additional fee determined by the director as provided in RCW 43.24.085 as now or hereafter amended for each lapsed year: PROVIDED, That any person whose license has lapsed for more than three years shall be reexamined, as in the case of any applicant for an original license.

Sec. 4. Section 11, chapter 52, Laws of 1957 as last amended by section 1, chapter 310, Laws of 1977 ex. sess. and RCW 18.18.260 are each amended to read as follows:

No person shall engage in the practice of hairdressing or cosmetology in any place other than a licensed hairdressing or cosmetology shop or school, except in case of the practice of manicuring in a manicurist shop or in case of his or her own family or in case of a customer whose physical condition prevents his or her presence at a shop or school.

No person shall use for residential purposes any room that is used wholly or in part as a hairdressing or cosmetology school or shop or manicurist shop, except that these restrictions shall not apply to toilet facilities which may be used jointly for residential and business purposes.

Every hairdressing or cosmetology or manicurist shop shall maintain an outside entrance separate from the entrances to rooms used for sleeping or residential purposes.

From and after July 1, 1959 every hairdressing or cosmetology or manicurist shop shall provide and maintain for the use of the customers adequate toilet facilities located within the shop or adjacent thereto.

No hairdressing or cosmetology shop shall be operated unless it is under the direct supervision of a licensed manager operator.

No manicurist shop shall be operated unless it is under the direct supervision of a licensed manicurist manager operator.

No person other than a licensed manicurist or a licensed operator in demonstrating or instructing in the use of any cosmetics or supplies of any kind, shall engage in any of the acts enumerated in RCW 18.18.010.

No student shall engage in the practice of hairdressing or cosmetology except in a licensed school under the direct supervision of a licensed instructor operator.

NEW SECTION. Sec. 5. There is added to chapter 18.18 RCW a new section to read as follows:

It shall be unlawful for any person, firm, or corporation to operate a manicurist shop without a manicurist shop license. Application for a license shall be made on forms furnished by the director and shall contain the information that the director may reasonably require. Upon receipt of the application and fee required by this chapter, the director shall issue a location license if the shop meets the other requirements of this chapter.

Passed the Senate April 2, 1979.

Passed the House May 29, 1979.

Approved by the Governor June 15, 1979.

Filed in Office of Secretary of State June 15, 1979.

CHAPTER 243

[Substitute House Bill No. 1]

RAZOR-CLAMMING LICENSES—APPROPRIATION

AN ACT Relating to food fish and shellfish; adding a new chapter to Title 75 RCW; prescribing penalties; making an appropriation; providing an effective date; and declaring an emergency.

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

NEW SECTION. Section 1. The legislature, recognizing that the digging of razor clams, *Siliqua patula*, is a major recreational asset to the state, declares that it is the policy of the state to improve recreational razor clam digging for residents of the state. The legislature finds that clam wastage and violation of daily bag limits by some clam diggers has made effective clam resource conservation extremely difficult. It is the intent of

the legislature to provide a razor clam license program that will be an aid to effective management and conservation of the razor clam resource. It is also the intent of the legislature to provide a source of funds that can be used to defray the expenses of added enforcement, enhancement, research, and educational programs related to razor clams.

NEW SECTION. Sec. 2. It is unlawful for any person to take, dig for, or have in his or her possession any razor clam that is taken for personal use from the clam beds of this state without first having obtained and having in his or her possession a razor-clamming license as provided in section 3 of this act.

NEW SECTION. Sec. 3. Razor-clamming licenses shall be issued by or under the authority of the director of fisheries. The director may authorize license dealers to issue the licenses and charge an agent's fee of not more than fifty cents in addition to the license fee.

The director shall adopt appropriate rules for the issuance of razor-clamming licenses and for the collection, payment, and handling of license fees and agent's fees.

NEW SECTION. Sec. 4. (1) The fees for razor-clamming licenses are:

- (a) For an annual resident license, two dollars and fifty cents; and
- (b) For an annual nonresident license, ten dollars.

(2) Any person sixty-five years of age or older or under sixteen years of age shall be issued, upon making an affidavit to such effect and upon payment of the dealer fee established in section 3 of this act, a personal use razor clam license at no cost.

(3) For the purposes of this chapter, "resident" means a person who, for at least thirty days immediately preceding application for a license, has maintained a permanent place of abode within this state and has established, by formal evidence, an intent to continue residence within this state. All other persons are nonresidents.

(4) License fees received from the issuance of razor-clamming licenses shall be paid into the general fund and shall be subject to legislative appropriation until the cumulative total subject to legislative appropriation equals the appropriation under section 11 of this act or so much of that appropriation as is actually used. Any excess over the amount appropriated or used shall be credited to the department of fisheries and shall be expended on the development or operation of programs beneficial to razor clam harvesting.

NEW SECTION. Sec. 5. (1) Razor-clamming licenses are nontransferable. A person digging for razor clams or having razor clams in his or her possession that are taken for personal use from the clam beds of this state shall, upon demand of any fisheries patrol officer, fisheries inspector, deputy fisheries inspector, game protector, or law enforcement officer within their respective jurisdictions, exhibit his or her license and write his or her

name for the purpose of comparison with the signature on the license. Failure to exhibit the license or write the name upon demand shall be prima facie evidence that the person has no license or is not the person named on the license in the person's possession.

(2) The razor-clamming license shall be attached to an outer garment or be otherwise visible on the person of the licensee.

NEW SECTION. Sec. 6. A person who violates sections 2 or 5 of this act or the rules adopted by the director under section 3 of this act or who knowingly falsifies any information required for the issuance of a razor-clamming license is guilty of a misdemeanor and shall incur the penalties set forth in RCW 9A.20.020(3), as now or hereafter amended.

NEW SECTION. Sec. 7. The department shall report annually prior to December 31 to the legislature on the number of licenses sold, revenues received, the results of the programs initiated under this chapter, and the status of the resource to enable the legislature to determine if the provisions of this chapter have proved beneficial to the utilization and conservation of the resource.

NEW SECTION. Sec. 8. Sections 1 through 7 of this act shall constitute a new chapter in Title 75 RCW.

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 July 1, 1979.

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. There is appropriated to the department of fisheries for the 1979-1981 biennium from the general fund, the sum of seven hundred thirty thousand dollars, or so much thereof as may be necessary, for the purposes of implementing this act, including:

- (1) Increased enforcement;
- (2) Resource enhancement and research projects;
- (3) Educational programs; and
- (4) Administration.

Passed the House June 1, 1979.

Passed the Senate June 1, 1979.

Approved by the Governor June 15, 1979.

Filed in Office of Secretary of State June 15, 1979.

CHAPTER 244

[House Bill No. 307]

CRIMES—CLASSIFICATION—FORCE, USE OF—CHECKS, ISSUANCE,
STOP PAYMENTS—ARREST

AN ACT Relating to crimes and criminal procedure; amending section 4, chapter 14, Laws of 1975 1st ex. sess. as amended by section 1, chapter 247, Laws of 1975 1st ex. sess. and RCW 9.79.170; amending section 5, chapter 14, Laws of 1975 1st ex. sess. and RCW 9.79.180; amending section 6, chapter 14, Laws of 1975 1st ex. sess. and RCW 9.79.190; amending section 7, chapter 14, Laws of 1975 1st ex. sess. and RCW 9.79.200; amending section 8, chapter 14, Laws of 1975 1st ex. sess. and RCW 9.79.210; amending section 9, chapter 14, Laws of 1975 1st ex. sess. and RCW 9.79.220; amending section 9A.16.020, chapter 260, Laws of 1975 1st ex. sess. as amended by section 13, chapter 80, Laws of 1977 ex. sess. and RCW 9A.16.020; amending section 9A.16.030, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.16.030; amending section 9A.36.020, chapter 260, Laws of 1975 1st ex. sess. as amended by section 5, chapter 38, Laws of 1975-'76 2nd ex. sess. and RCW 9A.36.020; amending section 9A.36.030, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.36.030; amending section 9A.48.100, chapter 260, Laws of 1975 1st ex. sess. as amended by section 1, chapter 174, Laws of 1977 ex. sess. and RCW 9A.48.100; amending section 9A.52.070, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.52.070; amending section 9A.52.080, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.52.080; amending section 9A.56.060, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.56.060; amending section 9A.88.030, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.88.030; amending section 14, chapter 46, Laws of 1971 ex. sess. and RCW 10.88.330; decodifying RCW 9.79.140, 9.79.150, 9.79.160, 9.79.170, 9.79.180, 9.79.190, 9.79.200, 9.79.210, 9.79.220, 9A.88.020, and 9A.88.100 and adding these sections to Title 9A RCW as a new chapter to be designated chapter 9A.44 RCW; prescribing penalties; declaring an emergency; and providing an effective date.

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

Section 1. Section 4, chapter 14, Laws of 1975 1st ex. sess. as amended by section 1, chapter 247, Laws of 1975 1st ex. sess. and RCW 9.79.170 are each amended to read as follows:

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

(a) Uses or threatens to use a deadly weapon; or

(b) Kidnaps the victim; or

(c) Inflicts serious physical injury; or

(d) Feloniously enters into the building or vehicle where the victim is situated.

(2) Rape in the first degree is a class A felony (~~and shall be punished by imprisonment in the state penitentiary for a term of not less than twenty years~~). No person convicted of rape in the first degree shall be granted a deferred or suspended sentence except for the purpose of commitment to an inpatient treatment facility: PROVIDED, That every person convicted of rape in the first degree shall be confined for a minimum of three years: PROVIDED FURTHER, That the board of prison terms and paroles shall have authority to set a period of confinement greater than three years but shall never reduce the minimum three-year period of confinement nor shall

the board release the convicted person during the first three years of confinement as a result of any type of automatic good time calculation nor shall the department of social and health services permit the convicted person to participate in any work release program or furlough program during the first three years of confinement.

Sec. 2. Section 5, chapter 14, Laws of 1975 1st ex. sess. and RCW 9.79.180 are each amended to read as follows:

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

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

(2) Rape in the second degree is a class B felony~~((, and shall be punished by imprisonment in the state penitentiary for not more than ten years))~~.

Sec. 3. Section 6, chapter 14, Laws of 1975 1st ex. sess. and RCW 9.79.190 are each amended to read as follows:

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

(a) Where the victim did not consent as defined in RCW 9.79.140(6), as recodified by this 1979 act, to sexual intercourse with the perpetrator and such lack of consent was clearly expressed by the victim's words or conduct, or

(b) Where there is threat of substantial unlawful harm to property rights of the victim.

(2) Rape in the third degree is a class C felony~~((, and shall be punished by imprisonment in the state penitentiary for not more than five years))~~.

Sec. 4. Section 7, chapter 14, Laws of 1975 1st ex. sess. and RCW 9.79.200 are each amended to read as follows:

(1) A person over thirteen years of age is guilty of statutory rape in the first degree when the person engages in sexual intercourse with another person who is less than eleven years old.

(2) Statutory rape in the first degree is a class A felony~~((, and shall be punished by imprisonment in the state penitentiary for a term of not less than twenty years))~~. No person convicted of statutory rape in the first degree shall be granted a deferred or suspended sentence except for the purpose of commitment to an inpatient treatment facility.

Sec. 5. Section 8, chapter 14, Laws of 1975 1st ex. sess. and RCW 9.79.210 are each amended to read as follows:

(1) A person over sixteen years of age is guilty of statutory rape in the second degree when such person engages in sexual intercourse with another person, not married to the perpetrator, who is eleven years of age or older but less than fourteen years old.

(2) Statutory rape in the second degree is a class B felony~~((, and shall be punished by imprisonment in the state penitentiary for not more than ten years))~~.

Sec. 6. Section 9, chapter 14, Laws of 1975 1st ex. sess. and RCW 9.79.220 are each amended to read as follows:

(1) A person over eighteen years of age is guilty of statutory rape in the third degree when such person engages in sexual intercourse with another person, not married to the perpetrator, who is fourteen years of age or older but less than sixteen years old.

(2) Statutory rape in the third degree is a class C felony~~((, and shall be punished by imprisonment in the state penitentiary for not more than five years))~~.

Sec. 7. Section 9A.16.020, chapter 260, Laws of 1975 1st ex. sess. as amended by section 13, chapter 80, Laws of 1977 ex. sess. and RCW 9A.16.020 are each amended to read as follows:

The use, attempt, or offer to use force upon or toward the person of another ~~((shall))~~ is not ~~((be))~~ unlawful in the following cases:

(1) Whenever necessarily used by a public officer in the performance of a legal duty, or a person assisting him and acting under his direction;

(2) Whenever necessarily used by a person arresting one who has committed a felony and delivering him to a public officer competent to receive him into custody;

(3) Whenever used by a party about to be injured, or by another lawfully aiding him, in preventing or attempting to prevent an offense against his person, or a malicious trespass, or other malicious interference with real or personal property lawfully in his possession, in case the force is not more than ~~((shall be))~~ is necessary;

(4) Whenever reasonably used by a person to detain someone who enters or remains unlawfully in a building or on real property lawfully in the possession of such person, so long as such detention is reasonable in duration and manner to investigate the reason for the detained person's presence on the premises, and so long as the premises in question did not reasonably appear to be intended to be open to members of the public;

(5) Whenever used in a reasonable and moderate manner by a parent or his authorized agent, a guardian, master, or teacher in the exercise of lawful authority, to restrain or correct his child, ward, apprentice, or scholar;

~~((5))~~ (6) Whenever used by a carrier of passengers or his authorized agent or servant, or other person assisting them at their request in expelling from a carriage, railway car, vessel, or other vehicle, a passenger who refuses to obey a lawful and reasonable regulation prescribed for the conduct

of passengers, if such vehicle has first been stopped and the force used is not more than ~~((shall be))~~ is necessary to expel the offender with reasonable regard to his personal safety;

~~((6))~~ (7) Whenever used by any person to prevent a mentally ill, mentally incompetent, or mentally disabled person from committing an act dangerous to himself or another, or in enforcing necessary restraint for the protection of his person, or his restoration to health, during such period only as ~~((shall be))~~ is necessary to obtain legal authority for the restraint or custody of his person.

Sec. 8. Section 9A.16.030, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.16.030 are each amended to read as follows:

Homicide is excusable when committed by accident or misfortune in doing any lawful act by lawful means, ~~((with ordinary caution and))~~ without criminal negligence, or without any unlawful intent.

Sec. 9. Section 9A.36.020, chapter 260, Laws of 1975 1st ex. sess. as amended by section 5, chapter 38, Laws of 1975-'76 2nd ex. sess. and RCW 9A.36.020 are each amended to read as follows:

(1) Every person who, under circumstances not amounting to assault in the first degree shall be guilty of assault in the second degree when he:

(a) With intent to injure, shall unlawfully administer to or cause to be taken by another, poison or any other destructive or noxious thing, or any drug or medicine the use of which is dangerous to life or health; or

(b) Shall knowingly inflict grievous bodily harm upon another with or without a weapon; or

(c) Shall knowingly assault another with a weapon or other instrument or thing likely to produce bodily harm; or

(d) Shall knowingly assault another with intent to commit a felony~~((; or~~

~~(e) With criminal negligence, shall cause physical injury to another person by means of a weapon or other instrument or thing likely to produce bodily harm)).~~

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

Sec. 10. Section 9A.36.030, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.36.030 are each amended to read as follows:

(1) Every person who, under circumstances not amounting to assault in either the first or second degree, shall ~~((assault another))~~ be guilty of assault in the third degree when he:

(a) With intent to prevent or resist the execution of any lawful process or mandate of any court officer((;)) or the lawful apprehension or detention of himself or another person shall ~~((be guilty of assault in the third degree))~~ assault another; or

(b) With criminal negligence, shall cause physical injury to another person by means of a weapon or other instrument or thing likely to produce bodily harm.

(2) Assault in the third degree is a class C felony.

Sec. 11. Section 9A.48.100, chapter 260, Laws of 1975 1st ex. sess. as amended by section 1, chapter 174, Laws of 1977 ex. sess. and RCW 9A.48.100 are each amended to read as follows:

For the purposes of RCW 9A.48.070 through 9A.48.090 inclusive(;;):

(1) "Physical damage", in addition to its ordinary meaning, shall include the alteration, damage, or erasure of records, information, data, or computer programs which are electronically recorded for use in computers and shall also include the injury or destruction of livestock;

(2) If more than one item of property is physically damaged as a result of a common scheme or plan by a person and the physical damage to the property would, when considered separately, constitute mischief in the third degree because of value, then the value of the damages may be aggregated in one count. If the sum of the value of all the physical damages exceeds two hundred fifty dollars, the defendant may be charged with and convicted of malicious mischief in the second degree.

Sec. 12. Section 9A.52.070, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.52.070 are each amended to read as follows:

(1) A person is guilty of criminal trespass in the first degree if he knowingly enters or remains unlawfully in a building (~~(or on real property adjacent thereto or upon real property which is fenced or otherwise enclosed in a manner designed to exclude intruders)~~).

(2) Criminal trespass in the first degree is a gross misdemeanor.

Sec. 13. Section 9A.52.080, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.52.080 are each amended to read as follows:

(1) A person is guilty of criminal trespass in the second degree if he knowingly enters or remains unlawfully in or upon premises of another under circumstances not constituting criminal trespass in the first degree.

(2) Criminal trespass in the second degree is a misdemeanor.

Sec. 14. Section 9A.56.060, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.56.060 are each amended to read as follows:

(1) Any person who shall with intent to defraud, make, or draw, or utter, or deliver to another person any check, or draft, on a bank or other depository for the payment of money, knowing at the time of such drawing, or delivery, that he has not sufficient funds in, or credit with said bank or other depository, to meet said check or draft, in full upon its presentation, shall be guilty of unlawful issuance of bank check. The word "credit" as used herein shall be construed to mean an arrangement or understanding with the bank or other depository for the payment of such check or draft, and the uttering or delivery of such a check or draft to another person without such fund or credit to meet the same shall be prima facie evidence of an intent to defraud.

(2) Any person who shall with intent to defraud, make, or draw, or utter, or deliver to another person any check, or draft on a bank or other depository for the payment of money and who issues a stop-payment order directing the bank or depository on which the check is drawn not to honor said check, and who fails to make payment of money in the amount of the check or draft or otherwise arrange a settlement agreed upon by the holder of the check within thirty days of issuing said check or draft shall be guilty of unlawful issuance of a bank check.

(3) When any series of transactions which constitute unlawful issuance of a bank check would, when considered separately, constitute unlawful issuance of a bank check in an amount of two hundred fifty dollars or less because of value, and the series of transactions are a part of a common scheme or plan, the transactions may be aggregated in one count and the sum of the value of all of the transactions shall be the value considered in determining whether the unlawful issuance of a bank check is to be punished as a class C felony or a gross misdemeanor.

(4) Unlawful issuance of a bank check in an amount greater than two hundred (~~and~~) fifty dollars is a class C felony.

~~((3))~~ (5) Unlawful issuance of a bank check in an amount of two hundred (~~and~~) fifty dollars or less is a gross misdemeanor.

Sec. 15. Section 9A.88.030, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.88.030 are each amended to read as follows:

(1) A person is guilty of prostitution if such person engages or agrees or offers to engage in sexual conduct with another person in return for a fee.

(2) For purposes of this section, "sexual conduct" means "sexual intercourse" as defined in RCW 9.79.140(1) as recodified by this 1979 act or "sexual contact" as defined in RCW 9A.88.100(2) as recodified by this 1979 act.

(3) Prostitution is a misdemeanor.

Sec. 16. Section 14, chapter 46, Laws of 1971 ex. sess. and RCW 10.88.330 are each amended to read as follows:

(1) The arrest of a person may be lawfully made also by any peace officer or a private person, without a warrant upon reasonable information that the accused stands charged in the courts of a state with a crime punishable by death or imprisonment for a term exceeding one year, but when so arrested the accused must be taken before a judge or magistrate with all practicable speed and complaint must be made against him under oath setting forth the ground for the arrest as in RCW 10.88.320; and thereafter his answer shall be heard as if he had been arrested on a warrant.

(2) An officer of the United States customs service or the immigration and naturalization service may, without a warrant, arrest a person if:

(a) The officer is on duty;

(b) One or more of the following situations exists:

(i) The person commits an assault or other crime involving physical harm, defined and punishable under chapter 9A.36 RCW, against the officer or against any other person in the presence of the officer;

(ii) The person commits an assault or related crime while armed, defined and punishable under chapter 9.41 RCW, against the officer or against any other person in the presence of the officer;

(iii) The officer has reasonable cause to believe that a crime as defined in (b) (i) or (ii) of this subsection has been committed and reasonable cause to believe that the person to be arrested has committed it;

(iv) The officer has reasonable cause to believe that a felony has been committed and reasonable cause to believe that the person to be arrested has committed it; or

(v) The officer has received positive information by written, telegraphic, teletypic, telephonic, radio, or other authoritative source that a peace officer holds a warrant for the person's arrest; and

(c) The regional commissioner of customs certifies to the state of Washington that the customs officer has received proper training within the agency to enable that officer to enforce or administer this subsection.

NEW SECTION. Sec. 17. RCW 9.79.140, 9.79.150, 9.79.160, 9.79.170 as now or hereafter amended, 9.79.180 as now or hereafter amended, 9.79.190 as now or hereafter amended, 9.79.200 as now or hereafter amended, 9.79.210 as now or hereafter amended, 9.79.220 as now or hereafter amended, 9A.88.020, and 9A.88.100 are each decodified and are each added to Title 9A RCW as a new chapter with the designation chapter 9A.44 RCW.

NEW SECTION. Sec. 18. The sections decodified by section 17 of this 1979 act and added to Title 9A RCW as a new chapter with the designation chapter 9A.44 RCW shall be construed as part of Title 9A RCW.

NEW SECTION. Sec. 19. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect on July 1, 1979.

Passed the House May 25, 1979.

Passed the Senate May 24, 1979.

Approved by the Governor June 15, 1979.

Filed in Office of Secretary of State June 15, 1979.

CHAPTER 245

[Substitute House Bill No. 554]

SHELTERS FOR VICTIMS OF DOMESTIC VIOLENCE

AN ACT Relating to shelters for victims of domestic violence; adding a new chapter to Title 70 RCW; creating a new section; and making an appropriation.

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

NEW SECTION. Section 1. The legislature finds that domestic violence is an issue of growing concern at all levels of government and that there is a present and growing need to develop innovative strategies and services which will ameliorate and reduce the trauma of domestic violence. Research findings show that domestic violence constitutes a significant percentage of homicides, aggravated assaults, and assaults and batteries in the United States. Domestic violence is a disruptive influence on personal and community life and is often interrelated with a number of other family problems and stresses. Shelters for victims of domestic violence are essential to provide protection to victims from further abuse and physical harm and to help the victim find long-range alternative living situations, if requested. Shelters provide safety, refuge, advocacy, and helping resources to victims who may not have access to such things if they remain in abusive situations.

The legislature therefore recognizes the need for the state-wide development and expansion of shelters for victims of domestic violence.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Shelter" means a place of temporary refuge, offered on a twenty-four hour, seven day per week basis to victims of domestic violence and their children.

(2) "Domestic violence" is a categorization of offenses, as defined in section 2, chapter 105, Laws of 1979 1st ex. sess., committed by one cohabitant against another.

(3) "Department" means the department of social and health services.

(4) "Victim" means a cohabitant who has been subjected to domestic violence.

(5) "Cohabitant" means a person who is married or who is cohabiting with a person of the opposite sex like husband and wife at the present or at sometime in the past. Any person who has one or more children in common with another person, regardless of whether they have been married or lived together at any time, shall be treated as a cohabitant.

NEW SECTION. Sec. 3. The department of social and health services, in consultation with individuals or groups having experience and knowledge of the problems of victims of domestic violence, shall:

(1) Establish minimum standards for shelters applying for grants from the department under this chapter. Classifications may be made dependent upon size, geographic location, and population needs;

(2) Receive grant applications for the development and establishment of shelters for victims of domestic violence;

(3) Distribute funds, within forty-five days after approval, to those shelters meeting departmental standards;

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(4) Evaluate biennially each shelter receiving departmental funds for compliance with the established minimum standards; and

(5) Review the minimum standards each biennium to ensure applicability to community and client needs.

NEW SECTION. Sec. 4. Minimum standards established by the department under section 3 of this act shall ensure that shelters receiving grants under this chapter provide services meeting basic survival needs, where not provided by other means, such as, but not limited to, food, clothing, housing, safety, security, client advocacy, and counseling. These services shall be problem-oriented and designed to provide necessary assistance to the victims of domestic violence and their children.

NEW SECTION. Sec. 5. The department shall contract, where appropriate, with public or private nonprofit groups or organizations with experience and expertise in the field of domestic violence to:

(1) Develop and implement an educational program designed to promote public and professional awareness of the problems of domestic violence and of the availability of services for victims of domestic violence. Particular emphasis should be given to the education needs of law enforcement agencies, the legal system, the medical profession, and other relevant professions that are engaged in the prevention, identification, and treatment of domestic violence;

(2) Maintain a directory of temporary shelters and other direct service facilities for the victims of domestic violence which is current, complete, detailed, and available, as necessary, to provide useful referral services to persons seeking help on an emergency basis;

(3) Create a state-wide toll-free telephone number that would provide information and referral to victims of domestic violence;

(4) Provide opportunities to persons working in the area of domestic violence to exchange information; and

(5) Provide training opportunities for both volunteer workers and staff personnel.

NEW SECTION. Sec. 6. The department shall prepare an annual report to the legislature which shall include but not be limited to:

(1) Data reflecting the geographic incidence of domestic violence in the state, indicating the number of cases officially reported as well as an assessment of the degree of unreported cases;

(2) The number of persons and relevant statistical data, where possible, of persons treated or assisted by shelters receiving state funds; and

(3) A listing of potential and feasible prevention efforts, the estimated cost of providing the prevention services, and the projected benefits of providing the services.

The department may contract, where applicable, for the information required by this section.

NEW SECTION. Sec. 7. Shelters receiving state funds under this chapter shall:

- (1) Make available shelter services to any person who is a victim of domestic violence and to that person's children;
- (2) Encourage victims, with the financial means to do so, to reimburse the shelter for the services provided;
- (3) Recruit, to the extent feasible, persons who are former victims of domestic violence to work as volunteers or staff personnel. An effort shall also be made to provide bilingual services;
- (4) Provide prevention and treatment programs to victims of domestic violence, their children and, where possible, the abuser;
- (5) Provide a day program or drop-in center to assist victims of domestic violence who have found other shelter but who have a need for support services.

NEW SECTION. Sec. 8. The department shall consult in all phases with persons and organizations having experience and expertise in the field of domestic violence.

NEW SECTION. Sec. 9. The department is authorized, under this chapter and the rules adopted to effectuate its purposes, to make available grants awarded on a contract basis to public or private nonprofit agencies, organizations, or individuals providing shelter services meeting minimum standards established by the department. Consideration as to need, geographic location, population ratios, and the extent of existing services shall be made in the award of grants. The department shall provide technical assistance to any nonprofit organization desiring to apply for the contracts if the organization does not possess the resources and expertise necessary to develop and transmit an application without assistance.

NEW SECTION. Sec. 10. Fifty percent of the funding for shelters receiving grants under this chapter must be provided by one or more local, municipal, or county source, either public or private. Contributions in-kind, whether materials, commodities, transportation, office space, other types of facilities, or personal services, may be evaluated and counted as part of the required local funding.

The department shall seek, receive, and make use of any funds which may be available from federal or other sources in order to augment state funds appropriated for the purpose of this chapter, and shall make every effort to qualify for federal funding.

NEW SECTION. Sec. 11. General assistance or aid to families with dependent children payments shall be made to otherwise eligible individuals who are residing in a secure shelter, a housing network or other shelter facility which provides shelter services to persons who are victims of domestic violence. Provisions shall be made by the department for the confidentiality of the shelter addresses where victims are residing.

NEW SECTION. Sec. 12. A shelter shall not be held liable in any civil action for denial or withdrawal of services provided pursuant to the provisions of this chapter.

NEW SECTION. Sec. 13. There is appropriated from the general fund to the department of social and health services for the 1979–1981 biennium the sum of one million dollars, or so much as may be necessary, to carry out the purposes of this act. Seven hundred thousand dollars of the amount appropriated shall be used for grants to shelters under section 9 of this act. The remaining three hundred thousand dollars shall be used to fund sections 3, 5, and 6 of this act.

NEW SECTION. Sec. 14. Sections 2 through 12 of this act shall constitute a new chapter in Title 70 RCW.

NEW SECTION. Sec. 15. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the House June 1, 1979.

Passed the Senate May 31, 1979.

Approved by the Governor June 15, 1979.

Filed in Office of Secretary of State June 15, 1979.

CHAPTER 246

[Substitute House Bill No. 907]

PEOPLE'S LODGE—OWNERSHIP

AN ACT Relating to a regional Indian facility; and amending section 1, chapter 128, Laws of 1975-'76 2nd ex. sess. and RCW 37.14.010.

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

Section 1. Section 1, chapter 128, Laws of 1975-'76 2nd ex. sess. and RCW 37.14.010 are each amended to read as follows:

Solely for the purpose of providing a matching grant for the planning, design, acquisition, construction, furnishing, equipping, remodeling, and landscaping of a regional Indian cultural ((~~and~~), educational, tourist, and economic development facility designated as the "people's lodge," ((~~and located at Discovery Park, Seattle~~),)) the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of one million dollars or so much thereof as shall be required to finance that portion of the grant by the state for said project as is set forth by appropriation from the Indian cultural center construction account in the general fund ((~~by chapter __, Laws of 1975-'76 2nd ex. sess. (SHB 1626) the supplemental appropriation act~~),)) for such purposes, 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.

If two million seven hundred thousand dollars or more in additional federal and/or private funding is not secured within five years of the effective date of this 1979 act and applied toward the completion of the "people's lodge," ownership of the property and/or facility developed with the proceeds of the bonds issued under this section shall be transferred to the state. Expenditure of these bond proceeds shall be conditioned on prior approval by the director of general administration of any real estate acquisitions and of construction plans for any building and/or grounds projects. The director's approval shall be based on a finding that any real estate to be acquired is appraised at or above the purchase price, that any construction plans for building and/or grounds projects provide for completion of any facilities contemplated therein, and that there are funds in an amount sufficient to finish the project so that it is fully operation for its intended uses.

The state finance committee is authorized to prescribe the form of such bonds, the time of sale of all or any portion or portions of such bonds, and the conditions of sale and issuance thereof.

Each such bond and bond anticipation note 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.

Passed the House May 31, 1979.

Passed the Senate June 1, 1979.

Approved by the Governor June 15, 1979.

Filed in Office of Secretary of State June 15, 1979.

CHAPTER 247

[Substitute House Bill No. 1064]

STATE EMPLOYEES—SICK LEAVE PAYMENT—APPROPRIATIONS

AN ACT Relating to appropriations; and creating new sections.

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

NEW SECTION. Section 1. On January 1, 1980, the state treasurer shall transfer the sum of two million five hundred thousand dollars from the general fund to the sick leave account in the general fund to be used as a working capital balance for payments on account of sickness made to state employees and excludable from federal old age and survivor's insurance contributions. If the office of financial management determines, after consultation with the social security administration, that it is not necessary to establish the general fund – sick leave account to carry out the provisions of chapter 152, Laws of 1979, (Senate Bill No. 2030), then the transfers authorized by this section shall not be made.

NEW SECTION. Sec. 2. The office of financial management shall direct the state treasurer to, and the state treasurer shall, periodically transfer to the sick leave account in the general fund moneys sufficient to reimburse the sick leave account for payments on account of sickness. State agencies shall place in allotment reserve status and cause to be lapsed at the end of the biennium an amount equal to the sick leave pay and the employer's share of all federal old age and survivor's insurance payments rendered unnecessary by reason of RCW 41.48. (section 1, chapter 152, Laws of 1979). When directing state agencies to place funds in reserve status, the office of financial management shall promulgate allotment instructions which conserve, to the fullest extent possible, state general fund appropriations.

NEW SECTION. Sec. 3. It is the policy of the state of Washington to pay its employees on account of sickness or accident disability in accordance with applicable leave regulations and in such a manner so such payments are excluded from federal old age and survivors' insurance contribution requirements.

NEW SECTION. Sec. 4. There is appropriated from the general fund sick leave account to the governor's special appropriations for the 1979-81 biennium the sum of forty million dollars, or so much thereof as may be necessary, to implement chapter 152, Laws of 1979.

NEW SECTION. Sec. 5. There is appropriated to the office of financial management from the general fund the sum of five hundred twenty thousand dollars, or so much thereof as may be necessary, to be allocated to state agencies to defray system and other costs required during the 1979-81 biennium to implement chapter 152, Laws of 1979.

NEW SECTION. Sec. 6. There is appropriated to the superintendent of public instruction from the general fund the sum of three hundred fifty-three thousand dollars, or so much thereof as may be necessary, to defray system and other costs required during the 1979-81 biennium to implement chapter 152, Laws of 1979 in the state's school districts.

Passed the House June 1, 1979.

Passed the Senate May 30, 1979.

Approved by the Governor June 15, 1979.

Filed in Office of Secretary of State June 15, 1979.

CHAPTER 248

[House Bill No. 1207]

ABUSED OR NEGLECTED CHILDREN—DAY CARE SERVICES— APPROPRIATION

AN ACT Relating to day care services; adding new sections to chapter 74.13 RCW; and making an appropriation.

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

NEW SECTION. Section 1. The department of social and health services shall conduct a two-year demonstration project for the purpose of contracting with an existing day care center to provide for the protection, care, and treatment of children who are at risk of being abused or neglected. The children who shall be served by this project shall range in age from birth to twenty-four months. The client population served shall not exceed thirty children at any one time.

NEW SECTION. Sec. 2. For the purposes of this act "day care center" means an agency, other than a residence, which regularly provides care for children for any part of the twenty-four hour day. No day care center shall be located in a private family residence unless that portion of the residence to which the children have access is used exclusively for the children during the hours the center is in operation or is separate from the usual living quarters of the family.

NEW SECTION. Sec. 3. The services provided through this project shall include:

- (1) Transportation to and from the child's home;
- (2) Daily monitoring of the child's physical and emotional condition;
- (3) Developmentally oriented programs designed to meet the unique needs of each child in order to overcome the effects of parental abuse or neglect;
- (4) Family counseling and treatment; and
- (5) Evaluation by the department of social and health services assessing the efficiency and effectiveness of day care centers operated under the project.

NEW SECTION. Sec. 4. The department of social and health services shall utilize existing community services and promote cooperation between the services in implementing the intent of this act.

NEW SECTION. Sec. 5. Sections 1 through 4 of this act are each added to chapter 74.13 RCW.

NEW SECTION. Sec. 6. There is appropriated to the department of social and health services from the general fund, the sum of two hundred fifty thousand dollars, or so much thereof as may be necessary, to carry out the purposes of this act.

Passed the House June 1, 1979.

Passed the Senate May 31, 1979.

Approved by the Governor June 15, 1979.

Filed in Office of Secretary of State June 15, 1979.

CHAPTER 249

[Substitute House Bill No. 791]

RETIREMENT FROM PUBLIC SERVICE

AN ACT Relating to retirement from public service; amending section 18, chapter 294, Laws of 1977 ex. sess. and RCW 41.26.005; amending section 3, chapter 209, Laws of 1969 ex. sess. as last amended by section 17, chapter 294, Laws of 1977 ex. sess. and RCW 41.26.030; amending section 3, chapter 257, Laws of 1971 ex. sess. as last amended by section 20, chapter 294, Laws of 1977 ex. sess. and RCW 41.26.045; amending section 3, chapter 294, Laws of 1977 ex. sess. and RCW 41.26.420; amending section 1, chapter 80, Laws of 1947 as last amended by section 18, chapter 293, Laws of 1977 ex. sess. and RCW 41.32.010; amending section 21, chapter 295, Laws of 1977 ex. sess. and RCW 41.40.005; amending section 1, chapter 274, Laws of 1947 as last amended by section 16, chapter 295, Laws of 1977 ex. sess. and RCW 41.40.010; amending section 16, chapter 274, Laws of 1947 as last amended by section 3, chapter 195, Laws of 1974 ex. sess. and RCW 41.40.150; amending section 28, chapter 274, Laws of 1947 as last amended by section 12, chapter 151, Laws of 1972 ex. sess. and RCW 41.40.270; amending section 18, chapter 267, Laws of 1971 ex. sess. and RCW 2.10.180; amending section 1, chapter 33, Laws of 1965 and RCW 41.20.180; amending section 24, chapter 261, Laws of 1945 as amended by section 6, chapter 159, Laws of 1957 and RCW 41.24.240; amending section 23, chapter 209, Laws of 1969 ex. sess. as last amended by section 12, chapter 257, Laws of 1971 ex. sess. and RCW 41.26.180; amending section 59, chapter 80, Laws of 1947 as last amended by section 1, chapter 63, Laws of 1971 and RCW 41.32.590; amending section 39, chapter 274, Laws of 1947 as last amended by section 4, chapter 195, Laws of 1974 ex. sess. and RCW 41.40.380; amending section 24, chapter 71, Laws of 1947 and RCW 41.44.240; amending section 43.43.310, chapter 8, Laws of 1965 as amended by section 1, chapter 256, Laws of 1977 ex. sess. and RCW 43.43.310; adding a new section to chapter 41.04 RCW; adding a new section to chapter 41.28 RCW; and adding new sections to chapter 41.50 RCW; creating a new section; and declaring an emergency.

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

Section 1. Section 18, chapter 294, Laws of 1977 ex. sess. and RCW 41.26.005 are each amended to read as follows:

The provisions of the following sections of this chapter shall apply only to persons who establish membership in the retirement system on or before September 30, 1977: RCW 41.26.080, 41.26.090, 41.26.100, 41.26.110, 41.26.120, 41.26.130, 41.26.140, 41.26.150, 41.26.160, 41.26.170, 41.26.190, 41.26.200, 41.26.240, 41.26.250, 41.26.260, and 41.26.270.

Sec. 2. Section 3, chapter 209, Laws of 1969 ex. sess. as last amended by section 17, chapter 294, Laws of 1977 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) (a) "Employer" for persons who establish membership in the retirement system on or before September 30, 1977, 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 and the membership of 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.

(b) "Employer" for persons who establish membership in the retirement system on or after October 1, 1977, 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.

(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, 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: PROVIDED, That for persons who establish membership in the retirement system on or after October 1, 1977, the provisions of this subparagraph shall not apply.

(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: PROVIDED, That for persons who establish membership in the retirement system on or after October 1, 1977, the provisions of this subparagraph shall not apply;

(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: PROVIDED, That for persons who establish membership in the retirement system on or after October 1, 1977, the provisions of this subparagraph shall not apply;

(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 and stepchild where that relationship was in existence prior to the date benefits are payable under this chapter, posthumous child, child legally adopted or made a legal ward of a member prior to the date benefits are payable under this chapter, 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, 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) (a) "Beneficiary" for persons who establish membership in the retirement system on or before September 30, 1977, means any person in receipt of a retirement allowance, disability allowance, death benefit, or any other benefit described herein.

(b) "Beneficiary" for persons who establish membership in the retirement system on or after October 1, 1977, means any person in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by another person.

(12) (a) "Final average salary" for persons who establish membership in the retirement system on or before September 30, 1977, means (i) 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; (ii) 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; (iii) in the case of disability of any member, the basic salary payable to such member at the time of disability retirement; (iv) 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.

(b) "Final average salary" for persons who establish membership in the retirement system on or after October 1, 1977, means the monthly average of the member's basic salary for the highest consecutive sixty months of service prior to such member's retirement, termination, or death. Periods constituting authorized unpaid leaves of absence may not be used in the calculation of final average salary.

(13) (a) "Basic salary" for persons who establish membership in the retirement system on or before September 30, 1977, 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.

(b) "Basic salary" for persons who establish membership in the retirement system on or after October 1, 1977, means salaries or wages earned by a member during a payroll period for personal services, including overtime payments, as reported by the employer on the wage and tax statement submitted to the federal internal revenue service, but shall exclude lump sum payments for deferred annual sick leave, unused accumulated vacation, unused accumulated annual leave, or any form of severance pay: PROVIDED, That in any year in which a member serves in the legislature the member shall have the option of having such member's (~~compensation earnable staff~~) basic salary be the greater of:

(i) the (~~compensation earnable~~) basic salary the member would have received had such member not served in the legislature; or

(ii) such member's actual (~~compensation earnable~~) basic salary received for nonlegislative public employment and legislative service combined. Any additional contributions to the retirement system required because (~~compensation earnable~~) basic salary under subparagraph (i) of this subsection is greater than (~~compensation earnable~~) basic salary under subparagraph (ii) of this subsection shall be paid by the member for both member and employer contributions.

(14) (a) "Service" for persons who establish membership in the retirement system on or before September 30, 1977, 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~~) the member's initial commencement of employment as a fire fighter or law enforcement officer, during which (~~he~~) the member worked for (~~ten days~~) seventy or more (~~or the equivalent thereof~~) hours, 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 (i) such military service not exceeding five years as was creditable to the member as of March 1, 1970, under (~~his~~) the member's particular prior pension act, and (ii) 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.

(b) "Service" for persons who establish membership in the retirement system on or after October 1, 1977, means periods of employment by a member for one or more employers for which basic salary is earned for ninety or more hours per calendar month.

Members of the retirement system who are elected or appointed to a state elective position (~~as defined in RCW 41.40.010(30)~~) may elect to continue to be members of this retirement system.

Years of service shall be determined by dividing the total number of months of service by twelve. Any fraction of a year of service as so determined shall be taken into account in the computation of such retirement allowance or benefits.

If a member receives basic salary from two or more employers during any calendar (~~year such member shall receive a total of not more than twelve months of service for such calendar year~~) month, the individual shall receive one month's service credit during any calendar month in which multiple service for ninety or more hours is rendered.

(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)) the member's 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 for persons who establish membership in the retirement system on or before September 30, 1977.

(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)) the member's full salary prior to the commencement of disability retirement. The definition contained in this subsection shall apply only to persons who establish membership in the retirement system on or before September 30, 1977.

(20) "Disability retirement" for persons who establish membership in the retirement system on or before September 30, 1977, 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" for persons who establish membership in the retirement system on or before September 30, 1977, 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.

(23) "Regular interest" means such rate as the ((department)) director may determine.

(24) "Retiree" for persons who establish membership in the retirement system on or after October 1, 1977, means any member in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by such member.

(25) "Department" means the department of retirement systems created in chapter 41.50 RCW.

(26) "Director" means the director of the department.

(27) "State actuary" or "actuary" means the person appointed pursuant to RCW 44.44.010(2).

(28) "State elective position" means any position held by any person elected or appointed to state-wide office or elected or appointed as a member of the legislature.

Sec. 3. Section 3, chapter 257, Laws of 1971 ex. sess. as last amended by section 20, chapter 294, Laws of 1977 ex. sess. and RCW 41.26.045 are each amended to read as follows:

(1) Notwithstanding any other provision of law after February 19, 1974 no law enforcement officer or fire fighter, may become eligible for coverage in the pension system established by this chapter, until ((he)) the individual has met and has been certified as having met minimum medical and health

standards: PROVIDED, That an elected sheriff or an appointed chief of police or fire chief, 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 February 19, 1974 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.

(2) This section shall not apply to persons who initially establish membership in the retirement system on or after July 1, 1979.

Sec. 4. Section 3, chapter 294, Laws of 1977 ex. sess. and RCW 41.26-.420 are each amended to read as follows:

A member of the retirement system shall receive a retirement allowance equal to two percent of such member's ~~((average))~~ final ~~((compensation))~~ average salary for each year of service.

Sec. 5. Section 1, chapter 80, Laws of 1947 as last amended by section 18, chapter 293, Laws of 1977 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) (a) "Accumulated contributions" for persons who establish membership in the retirement system on or before September 30, 1977, means the sum of all regular annuity contributions with regular interest thereon ~~((less cost of operation))~~.

(b) "Accumulated contributions" for persons who establish membership in the retirement system on or after October 1, 1977, means the sum of all contributions standing to the credit of a member in the member's individual account together with the regular interest thereon.

(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))~~ director 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) (a) "Beneficiary" for persons who establish membership in the retirement system on or before September 30, 1977, means any person in receipt of a retirement allowance or other benefit provided ~~((for))~~ by ~~((the teachers' retirement law))~~ this chapter.

(b) "Beneficiary" for persons who establish membership in the retirement system on or after October 1, 1977, means any person in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by another person.

(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. This subsection shall apply only to persons who establish membership in the retirement system on or before September 30, 1977.

(9) "Dependent" means receiving one-half or more of support from a member.

(10) "Disability allowance" means monthly payments during disability. This subsection shall apply only to persons who establish membership in the retirement system on or before September 30, 1977.

(11) (a) "Earnable compensation" for persons who establish membership in the retirement system on or before September 30, 1977, 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))~~ employer shall fix the value of that part of the compensation not paid in money: PROVIDED, That retroactive payments to an individual by an employer on reinstatement of the employee in a position, or payments by an employer to an individual in lieu of reinstatement in a position which are awarded or granted as the equivalent of the salary or wages which the individual would have earned during a payroll period shall be considered earnable compensation and the individual shall receive the equivalent service credit: PROVIDED FURTHER, 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 five 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 five or more years, earnable compensation for ~~((his))~~ the member's 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.

(b) "Earnable compensation" for persons who establish membership in the retirement system on or after October 1, 1977, means salaries or wages earned by a member during a payroll period for personal services, including overtime payments, as reported by the employer on the wage and tax statement submitted to the federal internal revenue service, but shall exclude lump sum payments for deferred annual sick leave, unused accumulated vacation, unused accumulated annual leave, or any form of severance pay: PROVIDED, That retroactive payments to an individual by an employer on reinstatement of the employee in a position or payments by an employer to an individual in lieu of reinstatement in a position which are awarded or granted as the equivalent of the salary or wages which the individual would have earned during a payroll period shall be considered earnable compensation, to the extent provided above, and the individual shall receive the equivalent service credit: PROVIDED FURTHER, That in any year in which a member serves in the legislature the member shall have the option of having such member's earnable compensation ((shall)) be the greater of:

(i) the earnable compensation the member would have received had such member not served in the legislature; or

(ii) such member's actual earnable compensation received for teaching and legislative service combined. Any additional contributions to the retirement system required because compensation earnable under subparagraph (i) of this subsection is greater than compensation earnable under subparagraph (ii) of this subsection shall be paid by the member for both member and employer contributions.

(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 be 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)) the individual shall only receive one month's service credit during any calendar month in which

multiple service is rendered. The provisions of this subsection shall apply only to persons who establish membership in the retirement system on or before September 30, 1977.

(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. The provisions of this subsection shall apply only to persons who establish membership in the retirement system on or before September 30, 1977.

(22) "Prior service contributions" means contributions made by a member to secure credit for prior service. The provisions of this subsection shall apply only to persons who establish membership in the retirement system on or before September 30, 1977.

(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))~~ the member's individual account in the annuity fund. This subsection shall apply only to persons establishing membership in the retirement system on or before September 30, 1977.

(25) "Regular interest" means such rate as the ~~((department))~~ director may determine.

(26) (a) "Retirement allowance" for persons who establish membership in the retirement system on or before September 30, 1977, means the sum of annuity and pension or any optional benefits payable in lieu thereof.

(b) "Retirement allowance" for persons who establish membership in the retirement system on or after October 1, 1977, means monthly payments to a retiree or beneficiary as provided in this chapter.

(27) "Retirement system" means the Washington state teachers' retirement system.

(28) (a) "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))~~ the individual shall only receive one

month's service credit during any calendar month in which multiple service is rendered.

(b) "Service" for persons who establish membership in the retirement system on or after October 1, 1977, means periods of employment by a member for one or more employers for which earnable compensation is earned for ninety or more hours per calendar month. Members shall receive twelve months of service for each contract year or school year of employment.

Any person who is a member of the teachers' retirement system and who is elected or appointed to a state elective position may continue to be a member of the retirement system and continue to receive service credit for the time spent in a state elective position by making the required member contributions.

~~((If a member receives earnable compensation from two or more employers during any calendar year such member shall receive a total of not more than twelve months of service for such calendar year.))~~

When an individual is employed by two or more employers the individual shall only receive one month's service credit during any calendar month in which multiple service for ninety or more hours is rendered.

Notwithstanding RCW 41.32.240, teachers covered by RCW 41.32.755 through 41.32.825, who render service need not serve for ninety days to obtain membership so long as the required contribution is submitted for such ninety-day period. Where a member did not receive service credit under RCW 41.32.775 through 41.32.825 due to the ninety-day period in RCW 41.32.240 the member may receive service credit for that period so long as the required contribution is submitted for the period. Anyone entering membership on or after October 1, 1977, and prior to July 1, 1979, shall have until June 30, 1980, to make the required contribution in one lump sum.

(29) "Survivors' benefit fund" means the fund from which survivor benefits are paid to dependents of deceased members. This subsection shall apply only to persons establishing membership in the retirement system on or before September 30, 1977.

(30) "Teacher" means any person qualified to teach who is engaged by a public school in an instructional, administrative, or supervisory capacity, including state, educational service 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.

(31) "Average final compensation" for persons who establish membership in the retirement system on or after October 1, 1977, means the member's average earnable compensation of the highest consecutive sixty months of service prior to such member's retirement, termination, or death. Periods

constituting authorized leaves of absence may not be used in the calculation of average final compensation.

(32) "Retiree" for persons who establish membership in the retirement system on or after October 1, 1977, means any member in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by such member.

(33) "Department" means the department of retirement systems created in chapter 41.50 RCW.

(34) "Director" means the director of the department.

(35) "State elective position" means any position held by any person elected or appointed to state-wide office or elected or appointed as a member of the legislature.

(36) "State actuary" or "actuary" means the person appointed pursuant to RCW 44.44.010(2).

(37) "Retirement board" means the board of trustees provided for in RCW 41.32.040.

Sec. 6. Section 21, chapter 295, Laws of 1977 ex. sess. and RCW 41.40.005 are each amended to read as follows:

The provisions of the following sections of this chapter shall apply only to persons who establish membership in the retirement system on or before September 30, 1977: RCW 41.40.150, 41.40.160, 41.40.170, 41.40.180, 41.40.185, 41.40.190, 41.40.193, 41.40.195, 41.40.200, 41.40.210, 41.40.220, 41.40.230, 41.40.235, 41.40.250, 41.40.260, 41.40.270, 41.40.280, 41.40.300, 41.40.310, 41.40.320, and 41.40.330.

Sec. 7. Section 1, chapter 274, Laws of 1947 as last amended by section 16, chapter 295, Laws of 1977 ex. sess. and RCW 41.40.010 are each amended to read as follows:

As used in this chapter, unless a different meaning is plainly required by the context:

(1) "Retirement system" means the public employees' retirement system provided for in this chapter.

(2) "Retirement board" means the board provided for in this chapter and chapter 41.26 RCW.

(3) "State treasurer" means the treasurer of the state of Washington.

(4) (a) "Employer" for persons who establish membership in the retirement system on or before September 30, 1977, means every branch, department, agency, commission, board, and office of the state, any political subdivision or association of political subdivisions of the state admitted into the retirement system, and legal entities authorized by RCW (~~36.70.060 and~~) 35.63.070 and 36.70.060 or chapter 39.34 RCW as now or hereafter amended; and the term shall also include any labor guild, association, or organization the membership of a local lodge or division of which is comprised of at least forty percent employees of an employer (other than such

labor guild, association, or organization) within this chapter. The term may also include any city of the first class that has its own retirement system.

(b) "Employer" for persons who establish membership in the retirement system on or after October 1, 1977, means every branch, department, agency, commission, board, and office of the state, and any political subdivision and municipal corporation of the state admitted into the retirement system, including public agencies created pursuant to RCW (~~(36.70.060;)~~) 35.63-.070, 36.70.060, and 39.34.030.

(5) "Member" means any employee included in the membership of the retirement system, as provided for in RCW 41.40.120.

(6) "Original member" of this retirement system means:

(a) Any person who became a member of the system prior to April 1, 1949;

(b) Any person who becomes a member through the admission of an employer into the retirement system on and after April 1, 1949, and prior to April 1, 1951;

(c) Any person who first becomes a member by securing employment with an employer prior to April 1, 1951, provided ~~((he))~~ the member has rendered at least one or more years of service to any employer prior to October 1, 1947;

(d) Any person who first becomes a member through the admission of an employer into the retirement system on or after April 1, 1951, provided, such person has been in the regular employ of the employer for at least six months of the twelve-month period preceding the said admission date;

(e) Any member who has restored all ~~((his))~~ contributions that may have been withdrawn ~~((by him))~~ as provided by RCW 41.40.150 and who on the effective date of ~~((his))~~ the individual's retirement becomes entitled to be credited with ten years or more of membership service except that the provisions relating to the minimum amount of retirement allowance for the member upon retirement at age seventy as found in RCW 41.40.190(4) shall not apply to the member;

(f) Any member who has been a contributor under the system for two or more years and who has restored all ~~((his))~~ contributions that may have been withdrawn ~~((by him))~~ as provided by RCW 41.40.150 and who on the effective date of ~~((his))~~ the individual's retirement has rendered five or more years of service for the state or any political subdivision prior to the time of the admission of the employer into the system; except that the provisions relating to the minimum amount of retirement allowance for the member upon retirement at age seventy as found in RCW 41.40.190(4) shall not apply to the member.

(7) "New member" means a person who becomes a member on or after April 1, 1949, except as otherwise provided in this section.

(8) (a) "Compensation earnable" for persons who establish membership in the retirement system on or before September 30, 1977, means salaries or

wages earned during a payroll period for personal services and where the compensation is not all paid in money, maintenance compensation shall be included upon the basis of the schedules established by the member's employer: PROVIDED, That retroactive payments to an individual by an employer on reinstatement of the employee in a position, or payments by an employer to an individual in lieu of reinstatement in a position which are awarded or granted as the equivalent of the salary or wage which the individual would have earned during a payroll period shall be considered compensation earnable and the individual shall receive the equivalent service credit: PROVIDED FURTHER, That if a leave of absence is taken by an individual for the purpose of serving in the state legislature, 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 is paid by the employee and the employer's contribution is paid by the employer or employee.

(b) "Compensation earnable" for persons who establish membership in the retirement system on or after October 1, 1977, means salaries or wages earned by a member during a payroll period for personal services, including overtime payments, as reported by the employer on the wage and tax statement submitted to the federal internal revenue service, but shall exclude nonmoney maintenance compensation and lump sum payments for deferred annual sick leave, unused accumulated vacation, unused accumulated annual leave, or any form of severance pay: PROVIDED, That retroactive payments to an individual by an employer on reinstatement of the employee in a position, or payments by an employer to an individual in lieu of reinstatement in a position which are awarded or granted as the equivalent of the salary or wage which the individual would have earned during a payroll period shall be considered compensation earnable to the extent provided above, and the individual shall receive the equivalent service credit: PROVIDED FURTHER, That in any year in which a member serves in the legislature, the member shall have the option of having such member's compensation earnable (~~shall~~) be the greater of:

(i) the compensation earnable the member would have received had such member not served in the legislature; or

(ii) such member's actual compensation earnable received for nonlegislative public employment and legislative service combined. Any additional contributions to the retirement system required because compensation earnable under subparagraph (i) of this subsection is greater than compensation earnable under subparagraph (ii) of this subsection shall be paid by the member for both member and employer contributions.

(9) (a) "Service" for persons who establish membership in the retirement system on or before September 30, 1977, means periods of employment rendered to any employer for which compensation is paid, and

includes time spent in office as an elected or appointed official of an employer. Full time work for ~~((ten days))~~ seventy hours or more ~~((or an equivalent period of work))~~ in any given calendar month shall constitute one month of service. Only months of service shall be counted in the computation of any retirement allowance or other benefit provided for in this chapter. Years of service shall be determined by dividing the total number of months of service by twelve. Any fraction of a year of service as so determined shall be taken into account in the computation of such retirement allowance or benefits. Members employed by the state school for the blind, or the state school for the deaf shall receive twelve months of service for each contract year or school year of employment commencing on or after the effective date of this act. In addition, each member who is employed by an institution of higher education or a community college shall receive twelve months of service for each academic year of employment commencing on or after the effective date of this act in which:

(i) the member makes member contributions under this chapter for each month of such academic year, and

(ii) the member is employed in a position which is restricted as to duration by the employer to the academic year. Service by a state employee officially assigned by the state on a temporary basis to assist another public agency, shall be considered as service as a state employee: PROVIDED, That service to any other public agency shall not be considered service as a state employee if such service has been used to establish benefits in any other public retirement system: PROVIDED FURTHER, That an individual shall receive no more than a total of twelve months of service credit during any calendar year: PROVIDED FURTHER, That where an individual is employed by two or more employers ~~((he))~~ the individual shall only receive ~~((a total of twelve))~~ one months ~~((of))~~ service credit during any calendar ~~((year))~~ month in which multiple service for seventy or more hours is rendered.

(b) "Service" for persons who establish membership in the retirement system on or after October 1, 1977, means periods of employment by a member for one or more employers for which compensation earnable is earned for ninety or more hours per calendar month.

Years of service shall be determined by dividing the total number of months of service by twelve. Any fraction of a year of service as so determined shall be taken into account in the computation of such retirement allowance or benefits.

Members employed by school districts, the state school for the blind, the state school for the deaf, institutions of higher education, or community colleges shall receive twelve months of service for each contract year or school year of employment.

Service in any state elective position shall be deemed to be full time service, except that persons serving in state elective positions who are members of the teachers' retirement system or law enforcement officers' and fire fighters' retirement system at the time of election or appointment to such position may elect to continue membership in the teachers' retirement system or law enforcement officers' and fire fighters' retirement system.

~~((If a))~~ A member ((receives compensation earnable from two or more employers during any calendar year such member)) shall receive a total of not more than twelve months of service for such calendar year: PROVIDED, That when an individual is employed by two or more employers the individual shall only receive one month's service credit during any calendar month in which multiple service for ninety or more hours is rendered.

(10) "Prior service" means all service of an original member rendered to any employer prior to October 1, 1947.

(11) "Membership service" means:

(a) All service rendered, as a member, after October 1, 1947;

(b) All service after October 1, 1947, to any employer prior to the time of its admission into the retirement system: PROVIDED, That an amount equal to the employer and employee contributions which would have been paid to the retirement system on account of such service shall have been paid to the retirement system with interest (as computed by the ((retirement board)) department) on the employee's portion prior to retirement of such person, by the employee or his employer, except as qualified by RCW 41.40.120: PROVIDED FURTHER, That employer contributions plus employee contributions with interest submitted by the employee under this subsection shall be placed in the employee's individual account in the employees' savings fund and be treated as any other contribution made by the employee, with the exception that the contributions submitted by the employee in payment of the employer's obligation, together with the interest the director may apply to the employer's contribution, shall be excluded from the calculation of the member's annuity in the event the member selects a benefit with an annuity option;

(c) Service not to exceed six consecutive months of probationary service rendered after April 1, 1949, and prior to becoming a member, in the case of any member, upon payment in full by such member((, prior to July 1, 1974)) of the total amount of the employer's contribution to the retirement fund which would have been required under the law in effect when such probationary service was rendered if the member had been a member during such period((-)), except that the amount of the employer's contribution shall be calculated by the director based on the first month's compensation earnable as a member;

(d) Service not to exceed six consecutive months of probationary service, rendered after October 1, 1947, and before April 1, 1949, and prior to becoming a member, in the case of any member, upon payment in full by such

member (~~(prior to July 1, 1974,)~~) of five percent of such member's salary during said period of probationary service, except that the amount of the employer's contribution shall be calculated by the director based on the first month's compensation earnable as a member.

(12) (a) "Beneficiary" for persons who establish membership in the retirement system on or before September 30, 1977, means any person in receipt of a retirement allowance, pension or other benefit provided by this chapter.

(b) "Beneficiary" for persons who establish membership in the retirement system on or after October 1, 1977, means any person in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by another person.

(13) "Regular interest" means such rate as the (~~(department)~~) director may determine.

(14) "Accumulated contributions" means the sum of all contributions standing to the credit of a member in (~~(his)~~) the member's individual account together with the regular interest thereon.

(15) (a) "Average final compensation" for persons who establish membership in the retirement system on or before September 30, 1977, means the annual average of the greatest compensation earnable by a member during any consecutive two year period of service for which service credit is allowed; or if (~~(he)~~) the member has less than two years of service then the annual average compensation earnable during (~~(his)~~) the total years of service for which service credit is allowed.

(b) "Average final compensation" for persons who establish membership in the retirement system on or after October 1, 1977, means the member's average compensation earnable of the highest consecutive sixty months of service prior to such member's retirement, termination, or death. Periods constituting authorized leaves of absence may not be used in the calculation of average final compensation.

(16) "Final compensation" means the annual rate of compensation earnable by a member at the time of termination of (~~(his)~~) employment.

(17) "Annuity" means payments for life derived from accumulated contributions of a member. All annuities shall be paid in monthly installments.

(18) "Pension" means payments for life derived from contributions made by the employer. All pensions shall be paid in monthly installments.

(19) "Retirement allowance" means the sum of the annuity and the pension.

(20) "Employee" means any person who may become eligible for membership under this chapter, as set forth in RCW 41.40.120.

(21) "Actuarial equivalent" means a benefit of equal value when computed upon the basis of such mortality and other tables as may be adopted by the (~~(retirement board)~~) director.

(22) "Retirement" means withdrawal from active service with a retirement allowance as provided by this chapter.

(23) "Eligible position" means:

(a) Any position which normally requires five or more uninterrupted months of service a year for which regular compensation is paid to the occupant thereof;

(b) Any position occupied by an elected official or person appointed directly by the governor for which compensation is paid.

(24) "Ineligible position" means any position which does not conform with the requirements set forth in subdivision (23).

(25) "Leave of absence" means the period of time a member is authorized by the employer to be absent from service without being separated from membership.

(26) "Totally incapacitated for duty" means total inability to perform the duties of a member's employment or office or any other work for which the member is qualified by training or experience.

(27) "Retiree" for persons who establish membership in the retirement system on or after October 1, 1977, means any member in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by such member.

(28) "Department" means the department of retirement systems created in chapter 41.50 RCW.

(29) "Director" means the director of the department.

(30) "State elective position" means any position held by any person elected or appointed to state-wide office or elected or appointed as a member of the legislature.

(31) "State actuary" or "actuary" means the person appointed pursuant to RCW 44.44.010(2).

NEW SECTION. Sec. 8. There is added to chapter 41.50 RCW a new section to read as follows:

(1) Notwithstanding any provision of law to the contrary, the retirement system expense fund is hereby redesignated as the department of retirement systems expense fund from which shall be paid the expenses of the administration of the department and the expenses of administration of the retirement systems created in chapters 2.10, 2.12, 41.26, 41.32, 41.40, and 43.43 RCW.

(2) On July 1, 1979, all funds credited for administrative expenses in the various retirement systems under the department's authority shall be transferred to the retirement systems expense fund, and all receivables due and payable to the various retirement systems for administrative expenses of those systems shall be due and payable to the retirement systems expense fund. Separate system by system disbursement accountability shall not be required. The retirement system expense fund shall assume all liabilities of the various prior retirement systems administrative expense funds effective

with the date of transfer. The director may continue to collect administrative expense revenue during the 1979-81 biennium under currently prescribed procedures if it is found to be in the best interest of the department. The administrative expense collections shall be placed in the department of retirement systems expense fund as provided herein.

(3) The director may adjust the expense fund contribution rate for each system at any time when necessary to reflect unanticipated costs or savings in administering the department.

NEW SECTION. Sec. 9. There is added to chapter 41.50 RCW a new section to read as follows:

Notwithstanding any provision of law to the contrary, all employers of members of retirement systems administered by the department shall transmit by a warrant or check to the department within fifteen days following the end of each calendar month the moneys due the department as determined by the statutes governing each system together with such reports as the department may require. The director may collect interest on any employer's overdue payments at the rate of one percent per month on the outstanding balance where necessary to secure adherence to timeliness requirements.

Sec. 10. Section 16, chapter 274, Laws of 1947 as last amended by section 3, chapter 195, Laws of 1974 ex. sess. and RCW 41.40.150 are each amended to read as follows:

Should any member die, or should ~~((he))~~ the individual separate or be separated from service without leave of absence before attaining age sixty years, or should ~~((he))~~ the individual become a beneficiary, except a beneficiary of an optional retirement allowance as provided by RCW 41.40.185 or 41.40.190, ~~((he))~~ the individual 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 six months of continuous service and upon the restoration of all withdrawn contributions with interest as computed by the ~~((retirement board))~~ director, 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)) director.

(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)) director 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~~) director 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. 11. Section 28, chapter 274, Laws of 1947 as last amended by section 12, chapter 151, Laws of 1972 ex. sess. and RCW 41.40.270 are each amended to read as follows:

(1) Should a member die before the date of (~~his~~) retirement the amount of the accumulated contributions standing to (~~his~~) the member's credit in the employees' savings fund, at the time of (~~his~~) death, shall be paid to such person or persons, having an insurable interest in (~~his~~) the member's life, as (~~he~~) the member shall have nominated by written designation duly executed and filed with the (~~retirement board~~) department. If there be no such designated person or persons still living at the time of the member's death, (~~his~~) or if a member fails to file a new beneficiary designation subsequent to marriage, remarriage, dissolution of marriage, divorce, or reestablishment of membership following termination by withdrawal or retirement, the member's credited accumulated contributions (~~standing to his credit~~) in the employees' savings fund shall be paid to (~~his~~) the surviving spouse as if in fact such spouse had been nominated by written designation as aforesaid, or if there be no such surviving spouse, then to (~~his~~) the member's legal representatives; (2) upon the death in service, or while on authorized leave of absence for a period not to exceed one hundred and twenty days from the date of payroll separation, of any member who is qualified but has not applied for a service retirement allowance or has completed ten years of service at the time of death, (~~and who has designated a beneficiary,~~) the designated beneficiary, or the surviving spouse as provided in subsection (1) of this section, may elect to waive the payment provided by subsection (1) of this section (~~and~~). Upon such an election, option II of

RCW 41.40.185 or option II of RCW 41.40.190((~~6~~)), whichever is greater, shall automatically be given effect as if selected for the benefit of the surviving spouse or dependent who is the designated beneficiary, except that if the member is not then qualified for a service retirement allowance, such option II benefit shall be based upon the actuarial equivalent of the sum necessary to pay the accrued regular retirement allowance commencing when the deceased member would have first qualified for a service retirement allowance(~~(; (3))~~): PROVIDED ((~~FURTHER~~)), That subsection (1) of this section, unless elected, shall not apply to any member who has applied for service retirement in RCW 41.40.180, as now or hereafter amended, and thereafter dies between the date of ((his)) separation from service and ((his)) the member's effective retirement date, where the member has selected either options II or III in RCW 41.40.185 or 41.40.190 ((~~or 41.40.185~~)). In those cases the beneficiary named in the member's final application for service retirement may elect to receive either a cash refund or monthly payments according to the option selected by the member.

***Sec. 12. Section 18, chapter 267, Laws of 1971 ex. sess. and RCW 2.10.180 are each amended to read as follows:**

The right of a person to a retirement allowance, disability allowance, or death benefit, the retirement, disability or death allowance itself, any optional benefit, any other right accrued or accruing to any person under the provisions of this chapter, and the moneys in the fund created under this chapter, are hereby exempt from any state, county, municipal, or other local tax and shall not be subject to execution, garnishment, or any other process of law whatsoever: PROVIDED, That benefits under this chapter shall be payable to a spouse or ex-spouse to the extent expressly provided for in any court decree of dissolution or legal separation or in any court order or court-approved property settlement agreement incident to any court decree of dissolution or legal separation.

*Sec. 12. was vetoed, see message at end of chapter.

***Sec. 13. Section 1, chapter 33, Laws of 1965 and RCW 41.20.180 are each amended to read as follows:**

The right of a person to a pension, an annuity, or retirement allowance, or disability allowance, or death benefits, or any optional benefit, or any other right accrued or accruing to any person under the provisions of this chapter, and any fund created hereby, and all moneys and investments and income thereof, are 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 benefits under this chapter shall be payable to a spouse or ex-spouse to the extent expressly provided for in any court decree of dissolution or legal separation or in any court order or court-

approved property settlement agreement incident to any court decree of dissolution or legal separation.

*Sec. 13. was vetoed, see message at end of chapter.

*Sec. 14. Section 24, chapter 261, Laws of 1945 as amended by section 6, chapter 159, Laws of 1957 and RCW 41.24.240 are each amended to read as follows:

The right of any person to any future payment under the provisions of this chapter shall not be transferable or assignable at law or in equity, and none of the moneys paid or payable or the rights existing under this chapter, shall be subject to execution, levy, attachment, garnishment, or other legal process, or to the operation of any bankruptcy or insolvency law: PROVIDED, That benefits under this chapter shall be payable to a spouse or ex-spouse to the extent expressly provided for in any court decree of dissolution or legal separation or in any court order or court-approved property settlement agreement incident to any court decree of dissolution or legal separation.

Nothing in this chapter shall be construed to deprive any fireman, eligible to receive a pension hereunder, from receiving a pension under any other act to which he may become eligible by reason of services other than or in addition to his services as a fireman under this chapter.

*Sec. 14. was vetoed, see message at end of chapter.

*Sec. 15. Section 23, chapter 209, Laws of 1969 ex. sess. as last amended by section 12, chapter 257, Laws of 1971 ex. sess. and RCW 41.26.180 are each amended to read as follows:

(1) Subject to subsections (2) and (3) of this section, the right of a person to a retirement allowance, disability allowance, or death benefit, to the return of accumulated contributions, the retirement, disability or death allowance itself, any optional benefit, any other right accrued or accruing to any person under the provisions of this chapter, and the moneys in the fund created under this chapter, are hereby exempt from any state, county, municipal, or other local tax and shall not be subject to execution, garnishment, attachment, the operation of bankruptcy or insolvency laws, or any other process of law whatsoever, and shall be unassignable(~~(-PROVIDED, That)~~).

(2) On the written request of any person eligible to receive benefits under this section, the ((board)) department of retirement systems may deduct from such payments the premiums for life, health, or other insurance. The request on behalf of any child or children shall be made by the legal guardian of such child or children. The ((board)) department of retirement systems may provide for such persons one or more plans of group insurance, through contracts with regularly constituted insurance carriers or health care service contractors.

(3) Benefits under this chapter shall be payable to a spouse or ex-spouse to the extent expressly provided for in any court decree of dissolution or legal separation or in any court order or court-approved property settlement agreement incident to any court decree of dissolution or legal separation.

*Sec. 15. was vetoed, see message at end of chapter.

*Sec. 16. Section 59, chapter 80, Laws of 1947 as last amended by section 1, chapter 63, Laws of 1971 and RCW 41.32.590 are each amended to read as follows:

(1) Subject to subsections (2) and (3) of this section, the right of a person to a pension, an annuity, a retirement allowance, or disability allowance, to the return of contributions, any optional benefit or death benefit, any other right accrued or accruing to any person under the provisions of this chapter and the moneys in the various funds created by this chapter shall be unassignable, and are hereby exempt from any state, county, municipal or other local tax, and shall not be subject to execution, garnishment, attachment, the operation of bankruptcy or insolvency laws, or other process of law whatsoever(~~(= PROVIDED, That)~~).

(2) This section shall not be deemed to prohibit a beneficiary of a retirement allowance who is eligible under RCW 41.05.080 from authorizing deductions therefrom for payment of premiums due on any group life or disability insurance policy or plan issued for the benefit of a group comprised of public employees of the state of Washington or its political subdivisions in accordance with rules and regulations that may be promulgated by the ((retirement board)) department of retirement systems.

(3) Benefits under this chapter shall be payable to a spouse or ex-spouse to the extent expressly provided for in any court decree of dissolution or legal separation or in any court order or court-approved property settlement agreement incident to any court decree of dissolution or legal separation.

*Sec. 16. was vetoed, see message at end of chapter.

*Sec. 17. Section 39, chapter 274, Laws of 1947 as last amended by section 4, chapter 195, Laws of 1974 ex. sess. and RCW 41.40.380 are each amended to read as follows:

(1) Subject to subsections (2) and (3) of this section, 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)~~).

(2) 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))~~ department of retirement systems, and 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.

(3) Benefits under this chapter shall be payable to a spouse or ex-spouse to the extent expressly provided for in any court decree of dissolution or legal separation or in any court order or court-approved property settlement agreement incident to any court decree of dissolution or legal separation.

*Sec. 17. was vetoed, see message at end of chapter.

*Sec. 18. Section 24, chapter 71, Laws of 1947 and RCW 41.44.240 are each amended to read as follows:

The right of a person to a pension, annuity or a retirement allowance, to the return of contribution, the pension, annuity or retirement allowance itself, any optional benefit, any other right accrued or accruing to any person under the provisions of this chapter, and the moneys in the fund created under this chapter shall not be subject to execution, garnishment, or any other process whatsoever: PROVIDED, That benefits under this chapter shall be payable to a spouse or ex-spouse to the extent expressly provided for in any court decree of dissolution or legal separation or in any court order or court-approved property settlement agreement incident to any court decree of dissolution or legal separation.

*Sec. 18. was vetoed, see message at end of chapter.

*Sec. 19. Section 43.43.310, chapter 8, Laws of 1965 as amended by section 1, chapter 256, Laws of 1977 ex. sess. and RCW 43.43.310 are each amended to read as follows:

(1) The right of any person to a retirement allowance or optional retirement allowance under the provisions hereof and all moneys and investments and income thereof are exempt from any state, county, municipal, or other local tax and shall not be subject to execution, garnishment, attachment, the operation of bankruptcy or the insolvency laws, or other processes of law whatsoever and shall be unassignable except as herein specifically provided(:(~~PROVIDED, That~~)).

(2) Benefits under this chapter shall be payable to a spouse or ex-spouse to the extent expressly provided for in any court decree of dissolution or legal separation or in any court order or court-approved property settlement agreement incident to any court decree of dissolution or legal separation.

(3) Subsection (1) of 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 insurance policy or plan issued for

the benefit of a group comprised of members of the Washington state patrol or other public employees of the state of Washington.

(4) Deductions made in the past from retirement benefits are hereby expressly recognized, ratified and affirmed. Future deductions may only be made in accordance with this section.

*Sec. 19. was vetoed, see message at end of chapter.

***NEW SECTION. Sec. 20.** *There is added to chapter 41.28 RCW a new section to read as follows:*

Benefits under this chapter shall be payable to a spouse or ex-spouse to the extent expressly provided for in any court decree of dissolution or legal separation or in any court order or court-approved property settlement agreement incident to any court decree of dissolution or legal separation.

*Sec. 20. was vetoed, see message at end of chapter.

***NEW SECTION. Sec. 21.** *There is added to chapter 41.04 RCW a new section to read as follows:*

Whenever the department of retirement systems makes payments to a spouse or ex-spouse to the extent expressly provided for in any court decree of dissolution or legal separation or in any court order or court-approved property settlement agreement incident to any court decree of dissolution or legal separation, it shall be a sufficient answer to any claim of a beneficiary against the department for the department to show that the payments were made pursuant to a court decree.

*Sec. 21. was vetoed, see message at end of chapter.

***NEW SECTION. Sec. 22.** *All payments made to a nonmember spouse or ex-spouse pursuant to the provisions of this amendatory act shall cease upon the death of such a nonmember spouse or ex-spouse. Upon such a death, the department is hereby authorized and directed to pay to the member his or her full monthly entitlement of benefits.*

*Sec. 22. was vetoed, see message at end of chapter.

***NEW SECTION. Sec. 23.** *The provisions of sections 12 through 22 of this act shall apply only to court decrees of dissolution or legal separation and court-approved property settlement agreements entered after the effective date of this act and only to those persons who have actually retired.*

*Sec. 23. was vetoed, see message at end of chapter.

NEW SECTION. Sec. 24. *This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.*

Passed the House June 1, 1979.

Passed the Senate May 10, 1979.

Approved by the Governor June 15, 1979, with the exception of Sections 12 through 23, which are vetoed.

Filed in Office of Secretary of State June 15, 1979.

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

"I am returning herewith without my approval as to twelve sections Substitute House Bill No. 791, as amended, entitled:

"AN ACT Relating to retirement from public service;"

Sections 12 through 23 of Substitute House Bill No. 791, which were added by floor amendment, are identical to sections 1 through 12 of Senate Bill No. 2378. Senate Bill No. 2378, having already passed the legislature and been approved by me, became chapter 205, Laws of 1979 1st ex. sess. and took effect on May 25, 1979. As a result, sections 12 through 23 of Substitute House Bill No. 791, as amended, are unnecessary and have been vetoed.

With the exception of these twelve sections which I have vetoed, the remainder of Substitute House Bill No. 791, as amended, is approved."

CHAPTER 250

[Engrossed Substitute Senate Bill No. 2709]

BASIC EDUCATION

AN ACT Relating to education; amending section 3, chapter 359, Laws of 1977 ex. sess. and RCW 28A.58.754; amending section 2, chapter 46, Laws of 1973 as last amended by section 4, chapter 359, Laws of 1977 ex. sess. and RCW 28A.41.130; amending section 14, chapter 244, Laws of 1969 ex. sess. as last amended by section 12, chapter 151, Laws of 1979 and RCW 28A.41.140; amending section 7, chapter 359, Laws of 1977 ex. sess. and RCW 28A.41.162; amending section 28A.58.190, chapter 223, Laws of 1969 ex. sess. as amended by section 14, chapter 359, Laws of 1977 ex. sess. and RCW 28A.58.190; amending section 19, chapter 359, Laws of 1977 ex. sess. and RCW 28A.58.760; amending section 28A.41.170, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 78, Laws of 1973 1st ex. sess. and RCW 28A.41.170; amending section 18, chapter 359, Laws of 1977 ex. sess. and RCW 28A.58.758; creating new sections; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW; making an appropriation; declaring an emergency; and making an effective date for certain sections hereof.

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

Section 1. Section 3, chapter 359, Laws of 1977 ex. sess. and RCW 28A.58.754 are each amended to read as follows:

(1) For the purposes of this section and RCW 28A.41.130 and 28A.41.140, each as now or hereafter amended:

(a) The term "total program hour offering" shall mean those hours when students are provided the opportunity to engage in educational activity planned by and under the direction of school district staff, as directed by the administration and board of directors of the district, inclusive of intermissions for class changes (~~and~~), recess and teacher/parent-guardian conferences which are planned and scheduled by the district for the purpose of discussing students' educational needs or progress, and exclusive of (~~intermission~~) time actually spent for meals.

(b) "Instruction in work skills" shall include (~~the~~) instruction in one or more of the following areas: Industrial arts, home and family life education, business and office education, distributive education, agricultural education,

health occupations education, vocational education, trade and industrial education, technical education and career education(~~(-and shall include career-orientation))~~).

(2) Satisfaction of the basic education goal identified in RCW 28A.58-.752 shall be considered to be implemented by the following program requirements:

(a) Each school district shall make available to students in kindergarten at least a total program offering of four hundred fifty hours. The program shall include reading, arithmetic, language skills and such other subjects and such activities as the school district shall determine to be appropriate for the education of the school district's students enrolled in such program;

(b) Each school district shall make available to students in grades one through three, at least a total program hour offering of two thousand seven hundred hours. A minimum of ninety-five percent of the total program hour offerings shall be in the basic skills areas of reading/language arts (which may include foreign languages), mathematics, social studies, science, music, art, health and physical education. The remaining five percent of the total program hour offerings may include (~~((foreign languages, or))~~) such subjects and activities as the school district shall determine to be appropriate for the education of the school district's students in such grades;

(c) Each school district shall make available to students in grades four through six at least a total program hour offering of two thousand nine hundred seventy hours. A minimum of ninety percent of the total program hour offerings shall be in the basic skills areas of reading/language arts (which may include foreign languages), mathematics, social studies, science, music, art, health and physical education. (~~((A minimum of five percent of the total program hour offerings shall be in the area of work skills:))~~) The remaining (~~((five))~~) ten percent of the total program hour offerings may include (~~((foreign languages, or))~~) such subjects and activities as the school district shall determine to be appropriate for the education of the school district's students in such grades;

(d) Each school district shall make available to students in grades seven through eight, at least a total program hour offering of one thousand nine hundred eighty hours. A minimum of eighty-five percent of the total program hour offerings shall be in the basic skills areas of reading/language arts (which may include foreign languages), mathematics, social studies, science, music, art, health and physical education. A minimum of ten percent of the total program hour offerings shall be in the area of work skills. The remaining five percent of the total program hour offerings may include (~~((foreign language, or))~~) such subjects and activities as the school district shall determine to be appropriate for the education of the school district's students in such grades;

(e) Each school district shall make available to students in grades nine through twelve at least a total program hour offering of four thousand three

hundred twenty hours. A minimum of sixty percent of the total program hour offerings shall be in the basic skills areas of language arts, foreign language, mathematics, social studies, science, music, art, health and physical education. A minimum of twenty percent of the total program hour offerings shall be in the area of work skills. The remaining twenty percent of the total program hour offerings may include traffic safety(~~(, foreign language,)~~) or such subjects and activities as the school district shall determine to be appropriate for the education of the school district's students in such grades, with not less than one-half thereof in basic skills and/or work skills: PROVIDED, That each school district shall have the option of including grade nine within the program hour offering requirements of grades seven and eight so long as such requirements for grades seven through nine are increased to two thousand nine hundred seventy hours and such requirements for grades ten through twelve are decreased to three thousand two hundred forty hours.

(3) In order to provide flexibility to the local school districts in the setting of their curricula, and in order to maintain the intent of this legislation, which is to stress the instruction of basic skills and work skills, any local school district may establish minimum course mix percentages that deviate by up to five percentage points above or below those minimums required by subsection (2) of this section, so long as the total program hour requirement is still met.

(4) Nothing contained in subsection (2) of this section shall be construed to require individual students to attend school for any particular number of hours per day or to take any particular courses.

(5) Each school district's basic educational program shall be accessible to all students (~~(between the ages of)~~) who are five years of age and less than twenty-one years of age and shall consist of a minimum of one hundred eighty school days per school year in such grades as are conducted by a school district, and one hundred eighty half-days of instruction, or equivalent, in kindergarten: PROVIDED, That effective May 1, 1979, a school district may schedule the last five school days of the one hundred and eighty day school year for noninstructional purposes in the case of students who are graduating from high school, including, but not limited to, the observance of graduation and early release from school upon the request of a student, and all such students may be claimed as a full time equivalent student to the extent they could otherwise have been so claimed for the purposes of RCW 28A.41.130 and 28A.41.140, each as now or hereafter amended.

(6) The state board of education (~~(pursuant to its authority in RCW 28A.04.120 and 28A.41.130, as now or hereafter amended;)~~) shall adopt ~~((the necessary))~~ rules ~~((and regulations))~~ to implement and ensure ~~((program))~~ compliance with the ~~((provisions of))~~ program requirements imposed by this section, RCW 28A.41.130 and 28A.41.140, each as now or

hereafter amended, and such related supplemental program approval requirements as the state board may establish: PROVIDED, That each school district board of directors shall establish the basis and means for determining and monitoring the district's compliance with the basic skills and work skills percentage and course requirements of this section. The certification of the board of directors and the superintendent of a school district that the district is in compliance with such basic skills and work skills requirements may be accepted by the superintendent of public instruction and the state board of education.

(7) Handicapped education programs, vocational–technical institute programs, state institution and state residential school programs, all of which programs are conducted for the common school age, kindergarten through secondary school program students encompassed by this section, shall be exempt from the basic skills and work skills percentage and course requirements of this section in order that the unique needs, abilities or limitations of such students may be met.

(8) Any school district may petition the state board of education for a reduction in the total program hour offering requirements for one or more of the grade level groupings specified in this section. The state board of education shall grant all such petitions that are accompanied by an assurance that the minimum total program hour offering requirements in one or more other grade level groupings will be exceeded concurrently by no less than the number of hours of the reduction.

Sec. 2. Section 2, chapter 46, Laws of 1973 as last amended by section 4, chapter 359, Laws of 1977 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, excluding excess property tax levies, will constitute a basic education allocation in dollars for each annual average full time equivalent student enrolled, based upon one full school year of one hundred eighty days, except that for kindergartens one full school year may be ninety days as provided by RCW 28A.58.180:

(1) The receipts from the one percent tax on real estate transactions pursuant to chapter 28A.45 RCW; 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.

Basic education shall be considered to be fully funded by those amounts of dollars appropriated by the legislature pursuant to RCW 28A.41.130 and 28A.41.140, each as now or hereafter amended, to fund those program requirements identified in RCW 28A.58.754, as now or hereafter amended, in accordance with the formula and ratios provided in RCW 28A.41.140, as now or hereafter amended.

Operation of a program approved by the state board of education, for the purposes of this section, shall include a finding that the ratio of students per classroom teacher in grades kindergarten through three is not greater than the ratio of students per classroom teacher in grades four and above for such district: PROVIDED, That for the purposes of this section, "classroom teacher" shall be defined as an instructional employee possessing ((at least a provisional certificate, but not necessarily employed as a certificated employee;)) a valid teaching certificate or permit issued by the superintendent of public instruction whose primary duty is the daily educational instruction of students: PROVIDED FURTHER, That the state board of education shall adopt rules and regulations to insure compliance with the student/teacher ratio provisions of this section, and such rules and regulations shall allow for exemptions for those special programs and/or school districts which may be deemed unable to practicably meet the student/teacher ratio requirements of this section by virtue of a small number of students: PROVIDED, FURTHER, That these rules and regulations shall provide that any district that has a ratio of no greater than twenty-five students per classroom teacher in grades kindergarten through three shall be in conformance with ((this section)) the foregoing student/teacher ratio requirements.

If a school district's basic education program fails to meet the basic education program requirements enumerated in RCW 28A.41.130, 28A.41.140 and 28A.58.754, each as now or hereafter amended, or established by rule pursuant thereto, the state board of education shall require the superintendent of public instruction to withhold state funds in whole or in part for the basic education allocation until program compliance is assured: PROVIDED, That for the school years 1978 through 1981 the state board of education may waive this requirement in the event of levy failure: PROVIDED FURTHER, That the state board of education may waive this requirement in the event of substantial lack of classroom space: PROVIDED FURTHER, That effective July 1, 1979, those school districts which have been found by the state board of education to be out of compliance with the basic education program requirements enumerated in RCW 28A.58.754 during the 1978 and 1979 school year shall be deemed to be in compliance

if such districts are in compliance with those basic education program requirements enumerated in section 1 of this amendatory act as of the effective date of this act.

Sec. 3. Section 14, chapter 244, Laws of 1969 ex. sess. as last amended by section 12, chapter 151, Laws of 1979 and RCW 28A.41.140 are each amended to read as follows:

The basic education allocation for each annual average full time equivalent student shall be determined in accordance with the following procedures:

The governor shall and the superintendent of public instruction may recommend to the legislature a formula based on a ratio of students to staff for the distribution of a basic education allocation for each annual average full time equivalent student enrolled in a common school. The distribution formula shall have the primary objective of equalizing educational opportunities and shall provide appropriate recognition of the following costs among the various districts within the state:

- (1) Certificated staff and their related costs;
- (2) Classified staff and their related costs;
- (3) Nonsalary costs; ~~((and))~~
- (4) Extraordinary costs of remote and necessary schools and small high schools; and
- (5) The attendance of students pursuant to RCW 28A.58.075 and 28A-.58.245, each as now or hereafter amended, who do not reside within the servicing school district.

This formula for distribution of basic education funds shall be reviewed biennially by the superintendent and governor. The recommended formula shall be subject to approval, amendment or rejection by the legislature. Commencing with the 1980-81 school year, the formula adopted by the legislature shall reflect a ratio of not less than fifty certificated personnel to one thousand annual average full time equivalent students and one classified person to three certificated personnel. In the event the legislature rejects the distribution formula recommended by the governor, without adopting a new distribution formula, the distribution formula for the previous ~~((biennium))~~ school year shall remain in effect: **PROVIDED**, That the distribution formula developed pursuant to this section shall be for state apportionment and equalization purposes only and shall not be construed as mandating specific operational functions of local school districts other than those program requirements identified in RCW 28A.58.754. The enrollment of any district shall be the annual average number of full time equivalent students and part time students as provided in RCW 28A.41.145, as now or hereafter amended, enrolled on the first school day of each month. The definition of full time equivalent student shall be determined by rules and regulations of the superintendent of public instruction: **PROVIDED**, That the definition shall be included as part of the superintendent's biennial budget request:

PROVIDED, FURTHER, That any revision of the present definition shall not take effect until approved by the house appropriations committee and the senate ways and means committee: PROVIDED, FURTHER, That the office of financial management shall make a monthly review of the superintendent's reported full time equivalent students in the common schools in conjunction with RCW 43.62.050.

Certificated staff shall include those persons employed by a school district in a teaching, instructional, educational staff associate, learning resources specialist, administrative or supervisory capacity and who hold positions as certificated employees as defined under RCW 28A.01.130, as now or hereafter amended, and every school district superintendent, and any person hired in any manner to fill a position designated as, or which is in fact, that of deputy superintendent or assistant superintendent: PROVIDED, That in exceptional cases, people of unusual competence but without certification may teach students so long as a certificated person exercises general supervision: PROVIDED, FURTHER, That the hiring of such noncertificated people shall not occur during a labor dispute and such noncertificated people shall not be hired to replace certificated employees during a labor dispute(~~(: PROVIDED, FURTHER, That the hiring of such noncertificated persons shall be subject to disapproval by the superintendent of public instruction. Annual written statements shall be submitted to the office of the superintendent of public instruction reporting and explaining such circumstances)).~~ Each annual average full time equivalent certificated classroom teacher's direct classroom contact hours shall ~~((be))~~ average at least twenty-five hours per week. Direct classroom contact hours shall be exclusive of time required to be spent for preparation, conferences, or any other nonclassroom instruction duties. ((Classified staff shall include those persons employed by a school district other than certificated staff as defined in this section in a capacity for which certification is not required.)) Up to two hundred minutes per week may be deducted from the twenty-five contact hour requirement, at the discretion of the school district board of directors, to accommodate authorized teacher/parent-guardian conferences, recess, passing time between classes, and informal instructional activity.

Sec. 4. Section 28A.58.190, chapter 223, Laws of 1969 ex. sess. as amended by section 14, chapter 359, Laws of 1977 ex. sess. and RCW 28A.58.190 are each amended to read as follows:

Except as otherwise provided by law, it is the general policy of the state that the common schools shall be open to the admission of all persons ~~((between the ages of))~~ who are five years of age and less than twenty-one years residing in that school district. Except as otherwise provided by law, the state board of education is hereby authorized to adopt rules in accordance with chapter 34.04 RCW which establish uniform entry qualifications, including but not limited to birth date requirements, for admission to kindergarten and first grade programs of the common schools. Such rules may

provide for exceptions based upon the ability, or the need, or both, of an individual student.

Sec. 5. Section 19, chapter 359, Laws of 1977 ex. sess. and RCW 28A-.58.760 are each amended to read as follows:

(1) It is the intended purpose of this section to guarantee that the certificated teaching and administrative staff in each common school district be held accountable for the proper and efficient conduct of classroom teaching in their school which will ~~((meet the individual and collective needs of the particular students enrolled therein))~~ provide students with the opportunity to achieve those skills which are generally recognized as requisite to learning.

(2) In conformance with the other provisions of Title 28A RCW, it shall be the responsibility of the certificated teaching and administrative staff in each common school to:

(a) Implement the district's prescribed curriculum and enforce, within their area of responsibility, the rules and regulations of the school district, the state superintendent of public instruction, and the state board of education, taking into due consideration individual differences among students, and maintain and render appropriate records and reports pertaining thereto.

(b) Maintain good order and discipline in their classrooms at all times.

(c) Hold students to a strict accountability while in school for any disorderly conduct while under their supervision.

(d) Require excuses from the parents, guardians, or custodians of minor students in all cases of absence, ~~((tardiness))~~ late arrival to school, or early dismissal.

(e) Give careful attention to the maintenance of a healthful atmosphere in the classroom.

(f) Give careful attention to the safety of the student in the classroom and report any doubtful or unsafe conditions to the building administrator.

(g) Evaluate each student's educational growth and development and make periodic reports thereon to parents, guardians, or custodians and to school administrators.

Failure to carry out such requirements as set forth in subsection (2) (a) through (g) above shall constitute sufficient cause for discharge of any member of such teaching or administrative staff.

Sec. 6. Section 28A.41.170, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 78, Laws of 1973 1st ex. sess. and RCW 28A.41.170 are each amended to read as follows:

The superintendent of public instruction shall have the power and duty to make such rules and regulations as are necessary for the proper administration of this chapter not inconsistent with the provisions thereof, and in addition to require such reports as may be necessary to carry out his duties under this chapter: PROVIDED, That the superintendent of public instruction shall have the authority to make rules and regulations allowing school

districts to receive state (~~(apportionment)~~) basic education moneys as provided in RCW 28A.41.130 when said districts are unable to fulfill the requirement(~~(s)~~) of a full school year of one hundred eighty days or the total program hour offering requirements imposed by RCW 28A.58.754 due to an unforeseen emergency caused by fire, flood, explosion, storm, earthquake, epidemic, riot, insurrection, community disaster, or act of God; PROVIDED FURTHER, That the superintendent of public instruction shall make every effort to reduce the amount of paperwork required in administration of this chapter; to simplify the application, monitoring and evaluation processes used; to eliminate all duplicative requests for information from local school districts; and to make every effort to integrate and standardize information requests for other state education acts and federal aid to education acts administered by the superintendent of public instruction so as to reduce paperwork requirements and duplicative information requests.

Sec. 7. Section 18, chapter 359, Laws of 1977 ex. sess. and RCW 28A.58.758 are each amended to read as follows:

(1) It is the intent and purpose of this section to guarantee that each common school district board of directors, whether or not acting through its respective administrative staff, be held accountable for the proper operation of their district to the local community and its electorate. In accordance with the provisions of Title 28A RCW, as now or hereafter amended, each common school district board of directors shall be vested with the final responsibility for the setting of policies ensuring quality in the content and extent of its educational program and that such program (~~(meet the individual and collective needs of the particular students enrolled therein)~~) provide students with the opportunity to achieve those skills which are generally recognized as requisite to learning.

(2) In conformance with the provisions of Title 28A RCW, as now or hereafter amended, it shall be the responsibility of each common school district board of directors, acting through its respective administrative staff, to:

(a) Establish performance criteria and an evaluation process for its certificated personnel, including administrative staff, and for all programs constituting a part of such district's curriculum.

(b) Determine the final assignment of staff, certificated or classified, according to board enumerated classroom and program needs.

(c) Determine the amount of instructional hours necessary for any student to acquire a quality education in such district, in not less than an amount otherwise required in RCW 28A.58.754, or rules and regulations of the state board of education.

(d) Determine the allocation of staff time, whether certificated or classified.

(e) Establish final curriculum standards consistent with law and rules and regulations of the state board of education, relevant to the particular needs of district students or the unusual characteristics of the district, and ensuring a quality education for each student in the district.

(f) Evaluate teaching materials, including text books, teaching aids, handouts, or other printed material, in public hearing upon complaint by parents, guardians or custodians of students who consider dissemination of such material to students objectionable.

(3) In keeping with the accountability purpose expressed in this section and to insure that the local community and electorate have access to information on the educational programs in the school districts, each school district's board of directors shall annually publish a descriptive guide to the district's common schools. This guide shall be made available at each school in the district for examination by the public. The guide shall include, but not be limited to, the following:

(a) Criteria used for written evaluations of staff members pursuant to RCW 28A.67.065.

(b) A summary of program objectives pursuant to RCW 28A.58.090.

(c) Results of comparable testing for all schools within the district.

(d) Budget information which will include the following:

(i) Student (~~(attendance)~~) enrollment.

(ii) Number of full time equivalent personnel per school in the district itemized according to classroom teachers, instructional support, and building (~~(and central)~~) administration and support services, including itemization of such personnel by program.

(iii) Number of full time equivalent personnel assigned in the district to central administrative offices, itemized according to instructional support, building and central administration, and support services, including itemization of such personnel by program.

(iv) Total number of full time equivalent personnel itemized by classroom teachers, instructional support, building and central administration, and support services, including itemization of such personnel by program.

(v) Special levy budget request presented by program and expenditure for purposes over and above those requirements identified in RCW 28A.58.754.

NEW SECTION. Sec. 8. 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 shall, after following established procedure, adopt a policy assuring parents access to their child's classroom and/or school sponsored activities for purposes of observing class procedure, teaching material, and class conduct: PROVIDED, That such observation shall not disrupt the classroom procedure or learning activity.

*NEW SECTION. Sec. 9. There is hereby appropriated to the superintendent of public instruction from the state general fund for the biennium

ending June 30, 1981, the sum of ten thousand dollars plus an amount to be determined by the legislature, through the budgeting process, as may be necessary to carry out the purposes of this amendatory act.

*Sec. 9. was vetoed, see message at end of chapter.

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 except as otherwise provided in subsection (5) of section 1, and section 2 of this amendatory act, shall take effect August 15, 1979.

NEW SECTION. Sec. 11. 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 May 31, 1979.

Passed the House May 31, 1979.

Approved by the Governor June 15, 1979, with the exception of Section 9, which is vetoed.

Filed in Office of Secretary of State June 15, 1979.

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. 2709 entitled:

"AN ACT Relating to education;"

I have vetoed Section 9 of Substitute Senate Bill No. 2709 which amends the Basic Education Act. Section 9 contains an appropriation of \$10,000. Sufficient funding was included in the biennial appropriation for the administration of this bill.

With the exception of Section 9, which I have vetoed, the remainder of Substitute Senate Bill No. 2709 is approved."

CHAPTER 251

[Substitute Senate Bill No. 2071]

MOTOR VEHICLE DEALERS' AND SALESPERSONS' LICENSES

AN ACT Relating to motor vehicle dealers' and salespersons' licenses; and amending section 13, chapter 74, Laws of 1967 ex. sess. as amended by section 7, chapter 132, Laws of 1973 1st ex. sess. and RCW 46.70.061.

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

Section 1. Section 13, chapter 74, Laws of 1967 ex. sess. as amended by section 7, chapter 132, Laws of 1973 1st ex. sess. and RCW 46.70.061 are each amended to read as follows:

(1) The fees for original licenses issued for a calendar year or any portion thereof pursuant to this chapter shall be:

(a) Vehicle dealers, principal place of business for each and every license classification: ((Fifty)) Sixty dollars;

- (b) Vehicle dealers, each and every subagency: Ten dollars;
- (c) Vehicle ~~((salesman))~~ salespersons: Ten dollars;
- (d) Vehicle manufacturers: ~~((Fifty))~~ Sixty dollars.

(2) The fee for renewal of any license issued pursuant to this chapter shall be:

- (a) Vehicle dealers, principal place of business for each and every license classification: ~~((Twenty-five))~~ Fifty dollars;
- (b) Vehicle dealer, each and every subagency: Ten dollars;
- (c) Vehicle ~~((salesman))~~ salespersons: Ten dollars;
- (d) Vehicle manufacturers: ~~((Twenty-five))~~ Fifty dollars.

PROVIDED, That if any licensee ~~((shall))~~ fails or neglects to apply for such renewal prior to February 1st in each year, ~~((his))~~ the license shall be declared canceled by the director, in which case the licensee will be required to apply for an original license and pay the fee required for ~~((such))~~ the original license.

(3) The fee for the transfer to another location of any license issued pursuant to this chapter shall be:

- (a) Vehicle dealer, principal place of business of each and every license classification, provided that such change is within the same county: Ten dollars;
- (b) There shall be no transfer of any vehicle dealer subagency license;
- (c) Vehicle ~~((salesman))~~ salesperson, provided that no such fee shall be required in a transfer from one location of any one dealer to any other location: Five dollars.

(4) The fee for vehicle dealer license plates and manufacturer license plates shall be the amount required by law for vehicle license plates exclusive of excise tax, except those specified in RCW 82.44.030, and gross weight and tonnage fees ~~((: PROVIDED, That the fee for an original vehicle dealer's license or any renewal thereof shall include one set, or one plate, dependent upon the license classification of the dealer, of vehicle dealer license plates for each classification of the dealer.~~

~~PROVIDED, FURTHER, That the maximum number of sets of vehicle dealer plates the department may issue to a dealer shall not exceed the greater of ten sets or a figure which represents four percent of the dealer's total vehicle sales for the previous year, except that the department may issue what it determines to be a reasonable number of sets in those cases where the dealer has not been previously licensed or where he can satisfy the department that the previous year's sales were unnaturally low for reasons beyond his control. PROVIDED, FURTHER, That the department may, in its discretion, issue a reasonable number of additional plates in those cases where a dealer sells motor homes, mobile homes or travel trailers. AND PROVIDED FURTHER, That no dealer who sold less than twenty passenger cars and/or pickup trucks during the previous year shall~~

~~be entitled to receive any additional sets, unless he can satisfy the department that additional sets are necessary for the purposes indicated in RCW 46.70.090, excepting subsections (2)(b) and (4)(b)).~~

(5) All fees collected under this chapter shall be turned into the state treasury and credited to the motor vehicle fund.

(6) The fees prescribed herein shall be in addition to any excise taxes imposed by chapter 82.44 RCW.

Passed the Senate April 23, 1979.

Passed the House May 30, 1979.

Approved by the Governor June 21, 1979.

Filed in Office of Secretary of State June 21, 1979.

CHAPTER 252

[Substitute Senate Bill No. 2251]

SOCIAL AND HEALTH SERVICES FACILITIES—BOND ISSUE

AN ACT Relating to the support of state government; providing for the planning, acquisition, construction, remodeling, improving, and equipping of social and health services facilities; providing for the financing thereof by the issuance of bonds and anticipation notes; creating new sections; 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 planning, acquisition, construction, remodeling, improving, and equipping of social and health services facilities, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of one hundred and two million dollars, or so much thereof as may be required, to finance these projects, and all costs incidental thereto. No bonds authorized by this act shall be offered for sale without prior legislative appropriation, and these 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.

The state finance committee is authorized to prescribe the form of the bonds, the time of sale of all or any portion or portions of the 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. As used in this act, the term "social and health services facilities", shall include, without limitation, facilities for use in adult correction programs, juvenile rehabilitation programs, mental

health programs, and developmental disabilities programs for which an appropriation is made from the state social and health services construction account in the general fund by the capital appropriations act, or subsequent capital appropriations acts.

NEW SECTION. Sec. 3. At the time the state finance committee determines to issue the bonds authorized in section 1 of this act, or a portion thereof, it may, pending the issuance thereof, 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". The proceeds from the sale of bonds and notes authorized by this act shall be deposited in the state social and health services construction account of the general fund in the state treasury and shall be used exclusively for the purposes specified in this act and for the payment of expenses incurred in the issuance and sale of the bonds and notes: **PROVIDED**, That such portion of the proceeds of the sale of the bonds as may be required for the payment of the principal and interest on the anticipation notes as have been issued shall be deposited in the state social and health services bond redemption fund of 1979, hereby created, in the state treasury.

NEW SECTION. Sec. 4. The proceeds from the sale of the bonds authorized in this act and deposited in the state social and health services construction account in the general fund shall be administered by the secretary of the department of social and health services.

NEW SECTION. Sec. 5. The state social and health services bond redemption fund of 1979 hereby created in the state treasury shall be used for the purpose of the payment of interest on and retirement of the bonds and notes authorized to be issued by this act. The state finance committee, on or before June 30th of each year, shall certify to the state treasurer the amount needed in the ensuing twelve months, to meet bond retirement and interest requirements. Not less than thirty days prior to the date on which any interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the 1979 state social and health services bond redemption fund an amount equal to the amount certified by the state finance committee to be due on the payment date.

If a state general obligation bond retirement fund is created in the state treasury by chapter ... (SB 2361 or HB 569), Laws of 1979 1st ex. sess. and becomes effective by statute prior to the issuance of any of the bonds authorized by this act, the state general obligation bond retirement fund shall be used for purposes of this act in lieu of the state social and health services bond redemption fund of 1979, and the state social and health services bond redemption fund of 1979 shall cease to exist.

The owner and holder of each of the bonds or the trustee for any of the bonds, by mandamus or other appropriate proceeding, may require and compel the transfer and payment of funds as directed in this section.

NEW SECTION. Sec. 6. The bonds authorized by this 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 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 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 June 1, 1979.

Passed the House May 31, 1979.

Approved by the Governor June 21, 1979.

Filed in Office of Secretary of State June 21, 1979.

CHAPTER 253

[Substitute Senate Bill No. 2964]

INSTITUTIONS OF HIGHER EDUCATION—FACILITIES CONSTRUCTION— BOND ISSUE

AN ACT Relating to institutions of higher education; providing for the acquisition, construction, remodeling, furnishing, and equipping of certain state buildings and facilities for institutions of higher education and the financing thereof by the issuance of bonds, including bond anticipation notes; providing ways and means of payment of the bonds; adding a new chapter 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 from time to time general obligation bonds of the state of Washington in the sum of forty-six million dollars, or so much thereof as may be required, to finance these projects and all costs incidental thereto. No bonds authorized by this chapter shall be offered for sale without prior legislative appropriation, and these 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. When the state finance committee has determined to issue the general obligation bonds or a portion thereof as authorized in section 1 of this act, it may, pending the issuance thereof, issue in the name of the state temporary notes in anticipation of the issuance of the bonds, which notes shall be designated as "bond anticipation notes." Such portion of the proceeds of the sale of the bonds as may be required for the payment of principal of and redemption premium, if any, and interest on the notes shall be applied thereto when the bonds are issued.

NEW SECTION. Sec. 3. The state finance committee is authorized to prescribe the form, terms, conditions, and covenants of the bonds and the bond anticipation notes provided for in sections 1 and 2 of this act, the time or times of sale of all or any portion of them, and the conditions and manner of their sale and issuance.

Each bond and bond anticipation note shall pledge the full faith and credit of the state of Washington and shall contain an unconditional promise to pay the principal thereof and interest thereon when due.

NEW SECTION. Sec. 4. Except for that portion of the proceeds required to pay bond anticipation notes under section 2 of this act, the proceeds from the sale of the bonds and bond anticipation notes authorized in this chapter, together with all grants, donations, transferred funds, and all other moneys which the state finance committee or the board of regents or board of trustees of any of the state institutions of higher education may direct the state treasurer to deposit therein, shall be deposited in the higher education construction account of the general fund hereby created in the state treasury.

NEW SECTION. Sec. 5. Subject to legislative appropriation, all proceeds of the bonds and bond anticipation notes authorized in this chapter shall be administered and expended by the boards of regents or the boards of trustees of the state institutions of higher education exclusively for the purposes specified in this chapter and for the payment of the expenses incurred in connection with the sale and issuance of such bonds and bond anticipation notes.

NEW SECTION. Sec. 6. The higher education bond retirement fund of 1979 is hereby created in the state treasury for the purpose of the payment of principal of and interest on the bonds authorized to be issued under this chapter or, if the legislature so determines, for any bonds and notes hereafter authorized and issued for the institutions of higher education.

Upon completion of the projects for which appropriations have been made by the legislature, any proceeds of the bonds and bond anticipation notes authorized by this chapter remaining in the higher education construction account shall be transferred by the state treasurer upon authorization of the board of regents or the board of trustees of each institution, as

appropriate, to the higher education bond retirement fund of 1979 to reduce the transfer or transfers required by section 7 of this act.

The state finance committee, on or before June 30th of each year, shall certify to the state treasurer the amount required in the next succeeding twelve months for the payment of the principal of and the interest coming due on the bonds. Not less than thirty days prior to the date on which any interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the higher education bond retirement fund of 1979 an amount equal to the amount certified by the state finance committee to be due on the payment date.

NEW SECTION. Sec. 7. On or before June 30th of each year the state finance committee shall determine the relative shares of the principal and interest payments determined pursuant to section 6 of this act, exclusive of deposit interest credit, attributable to each of the institutions of higher education in proportion to the principal amount of bonds issued under this chapter for purposes of funding projects for each institution. On each date on which any interest or principal and interest payment is due, the board of regents or the board of trustees of each institution of higher education shall cause the amount so computed to be paid out of the appropriate building account or capital projects account to the state treasurer for deposit into the general fund of the state treasury.

NEW SECTION. Sec. 8. The bonds authorized by this chapter shall constitute a legal investment for all state funds or for funds under state control and all funds of municipal corporations.

NEW SECTION. Sec. 9. The bonds authorized by this chapter shall be issued only after an officer designated by the board of regents or board of trustees of each institution of higher education receiving an appropriation from the higher education construction account has certified, based upon his estimates of future tuition income and other factors, that an adequate balance will be maintained in that institution's building account or capital projects account to enable the board to meet the requirements of section 7 of this act during the life of the bonds to be issued.

NEW SECTION. Sec. 10. No provision of this chapter shall be deemed to repeal, override, or limit any provision of RCW 28B.15.210, 28B.15.310, 28B.15.401, 28B.20.700 through 28B.20.745, 28B.30.700 through 28B.30.780, 28B.35.700 through 28B.35.790, or 28B.40.700 through 28B.40.790, nor any provision or covenant of the proceedings of the board of regents or board of trustees of any state institution of higher education hereafter taken in the issuance of its revenue bonds secured by a pledge of its general tuition fees and/or other revenues mentioned within such statutes. The obligation of the board to make the transfers provided for in section 7 of this act and in RCW 28B.14C.080(2), 28B.14C.090(2), 28B.14C.100(2),

28B.14C.110(2), 28B.14C.120(2), and 28B.14C.130(2) shall be subject and subordinate to the lien and charge of any revenue bonds hereafter issued, on the general tuition fees and/or other revenues pledged to secure such bonds, and on the moneys in the building account or capital project account and the individual institutions of higher education bond retirement funds.

NEW SECTION. Sec. 11. Sections 1 through 10 of this act shall constitute a new chapter in Title 28B 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 the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate May 8, 1979.

Passed the House May 31, 1979.

Approved by the Governor June 21, 1979.

Filed in Office of Secretary of State June 21, 1979.

CHAPTER 254

[Engrossed Substitute Senate Bill No. 2979.]

ENERGY FACILITIES—PERMITS—FEDERAL COMPLIANCE

AN ACT Relating to energy; amending section 4, chapter 45, Laws of 1970 ex. sess. as last amended by section 4, chapter 371, Laws of 1977 ex. sess. and RCW 80.50.040; amending section 15, chapter 45, Laws of 1970 ex. sess. as amended by section 12, chapter 371, Laws of 1977 ex. sess. and RCW 80.50.150; prescribing penalties; and declaring an emergency.

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

Section 1. Section 4, chapter 45, Laws of 1970 ex. sess. as last amended by section 4, chapter 371, Laws of 1977 ex. sess. and RCW 80.50.040 are each amended to read as follows:

The council shall have the following powers:

(1) To adopt, promulgate, amend, or rescind suitable rules and regulations, pursuant to chapter 34.04 RCW, to carry out the provisions of this chapter, and the policies and practices of the council in connection therewith;

(2) To appoint an executive secretary to serve at the pleasure of the council;

(3) To appoint and prescribe the duties of such clerks, employees, and agents as may be necessary to carry out the provisions of this chapter: PROVIDED, That such persons shall be employed pursuant to the provisions of chapter 41.06 RCW;

(4) To develop and apply environmental and ecological guidelines in relation to the type, design, location, construction, and operational conditions of certification of energy facilities subject to this chapter;

(5) To establish rules of practice for the conduct of public hearings pursuant to the provisions of the Administrative Procedure Act, as found in chapter 34.04 RCW;

(6) To prescribe the form, content, and necessary supporting documentation for site certification;

(7) To receive applications for energy facility locations and to investigate the sufficiency thereof;

(8) To make and contract, when applicable, for independent studies of sites proposed by the applicant;

(9) To conduct hearings on the proposed location of the energy facilities;

(10) To prepare written reports to the governor which shall include: (a) A statement indicating whether the application is in compliance with the council's guidelines, (b) criteria specific to the site and transmission line routing, (c) a council recommendation as to the disposition of the application, and (d) a draft certification agreement when the council recommends approval of the application;

(11) To prescribe the means for monitoring of the effects arising from the construction and the operation of energy facilities to assure continued compliance with terms of certification and/or permits issued by the council pursuant to chapter 90.48 RCW or RCW 80.50.040(14): PROVIDED, That any on-site inspection required by the council shall be performed by other state agencies pursuant to interagency agreement: PROVIDED FURTHER, That the council shall retain authority for determining compliance relative to monitoring;

(12) To integrate its site evaluation activity with activities of federal agencies having jurisdiction in such matters to avoid unnecessary duplication; ~~((and))~~

(13) To present state concerns and interests to other states, regional organizations, and the federal government on the location, construction, and operation of any energy facility which may affect the environment, health, or safety of the citizens of the state of Washington;

(14) To issue permits in compliance with applicable provisions of the federally approved state implementation plan adopted in accordance with the Federal Clean Air Act, as now existing or hereafter amended, for the new construction, reconstruction, or enlargement or operation of energy facilities: PROVIDED, That such permits shall become effective only if the governor approves an application for certification and executes a certification agreement pursuant to this chapter: AND PROVIDED FURTHER, That all such permits be conditioned upon compliance with all provisions of the federally approved state implementation plan which apply to energy facilities covered within the provisions of this chapter.

Sec. 2. Section 15, chapter 45, Laws of 1970 ex. sess. as amended by section 12, chapter 371, Laws of 1977 ex. sess. and RCW 80.50.150 are each amended to read as follows:

(1) The courts are authorized to grant such restraining orders, and such temporary and permanent injunctive relief as is necessary to secure compliance with this chapter and/or with a site certification agreement issued pursuant to this chapter or a National Pollutant Discharge Elimination System (hereafter in this section, NPDES) permit issued by the council pursuant to chapter 90.48 RCW or any permit issued pursuant to RCW 80.50.040(14). The court may assess civil penalties in an amount not less than one thousand dollars per day nor more than twenty-five thousand dollars per day for each day of construction or operation in material violation of this chapter, or in material violation of any site certification agreement issued pursuant to this chapter, or in violation of any NPDES permit issued by the council pursuant to chapter 90.48 RCW, or in violation of any permit issued pursuant to RCW 80.50.040(14). The court may charge the expenses of an enforcement action relating to a site certification agreement under this section, including, but not limited to, expenses incurred for legal services and expert testimony, against any person found to be in material violation of the provisions of such certification: PROVIDED, That the expenses of a person found not to be in material violation of the provisions of such certification, including, but not limited to, expenses incurred for legal services and expert testimony, may be charged against the person or persons bringing an enforcement action or other action under this section.

(2) Wilful violation of any provision of this chapter shall be a gross misdemeanor.

(3) Wilful or criminally negligent, as defined in RCW 9A.08.010(d), violation of any provision of an NPDES permit issued by the council pursuant to chapter 90.48 RCW or any permit issued by the council pursuant to RCW 80.50.040(14) or any emission standards promulgated by the council in order to implement the Federal Clean Air Act and the state implementation plan with respect to energy facilities under the jurisdiction provisions of this chapter shall be deemed a crime, and upon conviction thereof shall be punished by a fine of up to twenty-five thousand dollars per day and costs of prosecution. Any violation of this subsection shall be a gross misdemeanor.

(4) Any person knowingly making any false statement, representation, or certification in any document in any NPDES form, notice, or report required by an NPDES permit or in any form, notice, or report required for or by any permit issued pursuant to RCW 80.50.090(14) shall be deemed guilty of a crime, and upon conviction thereof shall be punished by a fine of up to ten thousand dollars and costs of prosecution.

(5) Every person who violates the provisions of certificates and permits issued or administered by the council shall incur, in addition to any other

penalty as provided by law, a penalty in an amount of up to five thousand dollars a day for every such violation. Each and every such violation shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance shall be and be deemed to be a separate and distinct violation. Every act of commission or omission which procures, aids, or abets in the violation shall be considered a violation under the provisions of this section and subject to the penalty provided in this section. The penalty provided in this section 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 council describing such violation with reasonable particularity. The council may, upon written application therefor received within fifteen days after notice imposing any penalty is received by the person incurring the penalty, and when deemed in the best interest to carry out the purposes of this chapter, remit or mitigate any penalty provided in this section upon such terms as the council shall deem proper, and shall have authority to ascertain the facts upon all such applications in such manner and under such regulations as it may deem proper. Any person incurring any penalty under this section may appeal the same to the council. 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 council. When an application for remission or mitigation is made, such appeals shall be filed within thirty days of receipt of notice from the council setting forth the disposition of the application. Any penalty imposed under this section 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 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 the 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 order confirming the penalty in whole or in part. If the amount of any penalty is not paid to the council within thirty days after it becomes due and payable, the attorney general, upon the request of the council, 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 provided in this chapter. All penalties recovered under this section shall be paid into the state treasury and credited to the general fund.

(6) Civil proceedings to enforce this chapter may be brought by the attorney general or the prosecuting attorney of any county affected by the violation on his own motion or at the request of the council. Criminal

proceedings to enforce this chapter may be brought by the prosecuting attorney of any county affected by the violation on his own motion or at the request of the council.

~~((4))~~ (7) The remedies and penalties in this section, both civil and criminal, shall be cumulative and shall be in addition to any other penalties and remedies available at law, or in equity, to any person.

NEW SECTION. Sec. 3. This 1979 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 June 1, 1979.

Passed the House June 1, 1979.

Approved by the Governor June 21, 1979.

Filed in Office of Secretary of State June 21, 1979.

CHAPTER 255

[Engrossed Substitute Senate Bill No. 3008]
SALARIES OF STATE OFFICIALS

AN ACT Relating to salaries of state officials; amending section 43.03.010, chapter 8, Laws of 1965 as last amended by section 1, chapter 318, Laws of 1977 ex. sess. and RCW 43.03.010; amending section 1, chapter 173, Laws of 1941 as last amended by section 2, chapter 3, Laws of 1969 and RCW 44.04.080; amending section 1, chapter 10, Laws of 1959 ex. sess. as last amended by section 2, chapter 157, Laws of 1974 ex. sess. and RCW 44.04.120; amending section 1, chapter 144, Laws of 1953 as last amended by section 2, chapter 318, Laws of 1977 ex. sess. and RCW 2.04.090; amending section 6, chapter 221, Laws of 1969 ex. sess. as last amended by section 3, chapter 318, Laws of 1977 ex. sess. and RCW 2.06.060; amending section 2, chapter 144, Laws of 1953 as last amended by section 4, chapter 318, Laws of 1977 ex. sess. and RCW 2.08.090; amending section 1, chapter 259, Laws of 1957 as last amended by section 1, chapter 156, Laws of 1974 ex. sess. and RCW 2.56.010; amending section 100, chapter 299, Laws of 1961 as last amended by section 5, chapter 318, Laws of 1977 ex. sess. and RCW 3.58.010; amending section 101, chapter 299, Laws of 1961 as last amended by section 1, chapter 95, Laws of 1974 ex. sess. and RCW 3.58.020; making an appropriation; providing an effective date; and declaring an emergency.

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

Section 1. Section 43.03.010, chapter 8, Laws of 1965 as last amended by section 1, chapter 318, Laws of 1977 ex. sess. and RCW 43.03.010 are each amended to read as follows:

(1) Effective July 1, 1979, the annual salaries of the following named state elected officials shall be: Governor, ~~((fifty-five))~~ fifty-eight thousand nine hundred dollars; lieutenant governor, ~~((twenty-five))~~ twenty-six thousand eight hundred dollars plus a sum equal to 1/260th of the difference between the annual salary of the lieutenant governor and the annual salary of the governor for each day that the lieutenant governor is called upon to perform the duties of the governor by reason of the absence from the state, removal, resignation, death, or disability of the governor; secretary of state,

~~((twenty-seven))~~ twenty-eight thousand nine hundred dollars; state treasurer, ~~((thirty-two))~~ thirty-four thousand ~~((five))~~ eight hundred dollars; state auditor, ~~((thirty-two))~~ thirty-four thousand ~~((five))~~ eight hundred dollars; attorney general, ~~((forty-one))~~ forty-four thousand ~~((two hundred))~~ dollars; superintendent of public instruction, ~~((thirty-seven))~~ forty thousand ~~((four hundred))~~ dollars; commissioner of public lands, ~~((thirty-seven))~~ forty thousand ~~((four hundred))~~ dollars; state insurance commissioner, ~~((thirty-two))~~ thirty-four thousand ~~((five))~~ eight hundred dollars~~(;)~~. Members of the legislature shall receive for their service nine thousand eight hundred dollars per annum, effective January 8, 1979; and in addition, ten cents per mile for travel to and from legislative sessions.

(2) Effective July 1, 1980, the annual salaries of the following named state elected officials shall be: Governor, sixty-three thousand dollars; lieutenant governor, twenty-eight thousand six hundred dollars plus a sum equal to 1/260th of the difference between the annual salary of the lieutenant governor and the annual salary of the governor for each day that the lieutenant governor is called upon to perform the duties of the governor by reason of the absence from the state, removal, resignation, death, or disability of the governor; secretary of state, thirty-one thousand dollars; state treasurer, thirty-seven thousand two hundred dollars; state auditor, thirty-seven thousand two hundred dollars; attorney general, forty-seven thousand one hundred dollars; superintendent of public instruction, forty-two thousand eight hundred dollars; commissioner of public lands, forty-two thousand eight hundred dollars; state insurance commissioner, thirty-seven thousand two hundred dollars. Members of the legislature shall receive for their service eleven thousand two hundred dollars per annum, effective January 12, 1981, twelve thousand dollars per annum effective January 1, 1982, twelve thousand eight hundred fifty dollars effective January 10, 1983, and thirteen thousand seven hundred fifty dollars effective January 1, 1984; and in addition, ten cents per mile for travel to and from legislative sessions.

Sec. 2. Section 1, chapter 173, Laws of 1941 as last amended by section 2, chapter 3, Laws of 1969 and RCW 44.04.080 are each amended to read as follows:

Members of the legislature including the president of the senate shall be paid not to exceed ~~((forty))~~ forty-four dollars per day in lieu of subsistence and lodging during and while attending any legislative session.

Sec. 3. Section 1, chapter 10, Laws of 1959 ex. sess. as last amended by section 2, chapter 157, Laws of 1974 ex. sess. and RCW 44.04.120 are each amended to read as follows:

((Each)) Except where the provisions of RCW 44.04.080 apply, 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 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))~~ an allowance in an amount fixed by the secretary of the senate and chief clerk of the house, respectively, in accordance with applicable rules and resolutions of each body. Such allowance shall be reasonably calculated to reimburse expenses, exclusive of mileage, which are ordinary and necessary in the conduct of legislative business, recognizing cost variances which are encountered in different locales. The allowance authorized shall not exceed the greater of forty-four dollars per day or the maximum daily amount determined under RCW 43.03.050, as now or hereafter amended. In addition, a mileage allowance shall be paid at the rate per mile 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.

Sec. 4. Section 1, chapter 144, Laws of 1953 as last amended by section 2, chapter 318, Laws of 1977 ex. sess. and RCW 2.04.090 are each amended to read as follows:

(1) Each justice of the supreme court shall receive an annual salary of ~~((forty-five))~~ forty-eight thousand two hundred dollars effective July 1, 1979, 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.

(2) Each justice of the supreme court shall receive an annual salary of fifty-one thousand five hundred dollars effective July 1, 1980, 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. 5. Section 6, chapter 221, Laws of 1969 ex. sess. as last amended by section 3, chapter 318, Laws of 1977 ex. sess. and RCW 2.06.060 are each amended to read as follows:

(1) Each judge of the court of appeals shall receive an annual salary of ~~((forty-two))~~ forty-four thousand nine hundred dollars effective July 1, 1979, 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.

(2) Each judge of the court of appeals shall receive an annual salary of forty-eight thousand one hundred dollars effective July 1, 1980, 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. 6. Section 2, chapter 144, Laws of 1953 as last amended by section 4, chapter 318, Laws of 1977 ex. sess. and RCW 2.08.090 are each amended to read as follows:

[(1)] Each judge of the superior court shall receive an annual salary of ((thirty-nine)) forty-one thousand seven hundred dollars effective July 1, 1979.

(2) Each judge of the superior court shall receive an annual salary of forty-four thousand seven hundred dollars effective July 1, 1980.

Sec. 7. Section 1, chapter 259, Laws of 1957 as last amended by section 1, chapter 156, Laws of 1974 ex. sess. 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 ((to be fixed by the supreme court not to exceed ninety percent of the salary of a judge of the superior court)) of thirty-seven thousand five hundred dollars effective July 1, 1979, and forty thousand two hundred dollars effective July 1, 1980.

Sec. 8. Section 100, chapter 299, Laws of 1961 as last amended by section 5, chapter 318, Laws of 1977 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 ((thirty-three)) thirty-four thousand dollars effective July 1, 1979, and thirty-five thousand dollars effective July 1, 1980: PROVIDED, That in cities having a population in excess of four 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: PROVIDED FURTHER, That a member of the legislature whose term of office is partly coextensive with or extends beyond the present term of office of any of the officials whose salary is increased by virtue of the provisions of RCW 43.03.010, 2.04.090, 2.06.060, 2.08.090, and 3.58.010 shall be eligible to be appointed or elected to any of

the offices the salary of which is increased hereby but he shall not be entitled to receive such increased salary until after the expiration of his present term of office and his subsequent election or reelection to the office to which he was appointed or elected respectively during his term of office as legislator.

Sec. 9. Section 101, chapter 299, Laws of 1961 as last amended by section 1, chapter 95, Laws of 1974 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 one thousand five hundred dollars nor more than ~~((four))~~ six 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 one thousand ~~((two))~~ eight hundred dollars nor more than ~~((five thousand))~~ seven thousand five hundred 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 one thousand ~~((two))~~ eight hundred or more than ~~((six))~~ nine 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 ~~((one thousand five hundred))~~ two thousand two hundred fifty dollars or more than ~~((seven))~~ ten thousand five hundred 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 ~~((two))~~ three thousand dollars or more than ~~((nine thousand))~~ thirteen thousand five hundred 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 ~~((three thousand five hundred))~~ five thousand two hundred fifty dollars or more than ~~((fifteen thousand))~~ twenty-two thousand five hundred dollars.

NEW SECTION. Sec. 10. There is appropriated from the general fund to the governor for the biennium ending June 30, 1981, the sum of two million dollars, or so much thereof as may be necessary, to carry out the purposes of sections 1 and 4 through 8 of this 1979 act.

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 July 1, 1979.

Passed the Senate June 1, 1979.

Passed the House June 1, 1979.

Approved by the Governor June 21, 1979.

Filed in Office of Secretary of State June 21, 1979.

CHAPTER 256

[Substitute House Bill No. 56]

LOCAL GOVERNMENTS—INSURANCE PURCHASE, SELF-INSURANCE

AN ACT Relating to local government; amending section .01.05, chapter 79, Laws of 1947 as amended by section 1, chapter 13, Laws of 1975-'76 2nd ex. sess. and RCW 48.01.050; and adding new sections to Title 48 RCW.

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

NEW SECTION. Section 1. The legislature finds that local governmental entities in this state are experiencing a trend of vastly increased insurance premiums for the renewal of identical insurance policies, that fewer insurance carriers are willing to provide local governmental entities with insurance coverage, and that some local governmental entities are unable to obtain desired insurance coverage.

It is the intent of this legislation to clearly provide for the authority of local governmental entities to individually self-insure, purchase individual insurance coverage, and obtain risk management services. It is also the intent of this legislation to grant local governmental entities the maximum flexibility to enter into agreements with each other to provide joint programs, which include programs for the joint purchasing of insurance, joint self-insuring, and joint contracting for or hiring personnel to provide risk management services.

NEW SECTION. Sec. 2. As used in sections 1 through 12 of this act, the term "local governmental entity" shall mean every unit of local government, both general purpose and special purpose, and shall include, but not be limited to, counties, cities, towns, port districts, public utility districts, water districts, sewer districts, school districts, fire protection districts, irrigation districts, metropolitan municipal corporations, conservation districts, and other political subdivisions, governmental subdivisions, municipal corporations, and quasi municipal corporations.

NEW SECTION. Sec. 3. The governing body of any local governmental entity may, as an alternative or in addition to the establishment of a self-insurance fund or the purchasing of insurance, contract for or hire personnel to provide risk management services. Funds made available and funds expended by school districts and educational service districts for the purpose of implementing any provision of sections 1 through 12 of this act

or RCW 36.16.138 shall be subject to such rules of the superintendent of public instruction as the superintendent may adopt governing the budgeting and accounting of such funds.

NEW SECTION. Sec. 4. The governing body of any one or more local governmental entities may, as an alternative or in addition to exercising any one or more of the powers granted in section 3 of this act and RCW 36.16-.138, as now or hereafter amended, or any other provision of law, form together into or join a pool or organization for the joint purchasing of insurance, and/or joint self-insuring, and/or joint hiring or contracting for risk management services to the same extent that they may individually purchase insurance, self-insure, or hire or contract for risk management services: PROVIDED, That no organization of local governmental entities that is organized under section 4 of this act for the purpose of self-insuring shall provide any self-insurance other than liability insurance. For purposes of this section, liability insurance shall include but not be limited to coverage for claims arising from the tortious or negligent conduct of the local government entity, its officers, employees, or agents thereof, or any error or omission on the part of said local government entity, its officers, employees or agents thereof as a result of which a claim may be made against the local government entity. The agreement to form such a pooling arrangement shall be made under chapter 39.34 RCW.

Any pool or organization authorized to be formed by this section shall be subject to audit by the state auditor.

NEW SECTION. Sec. 5. Prior to the establishment of a joint self-insurance pool by any organization of local governmental entities that is organized under section 4 of this act for the purpose of self-insuring through a contributing trust, approval of the establishment of such self-insurance pool shall be obtained from the state risk manager pursuant to RCW 43-.19.19362 in accordance with the following procedure:

(1) A proposed plan of organization and operation, including the following elements shall be submitted;

(a) A financial plan specifying:

(i) The coverage to be offered by the self-insurance pool, setting forth the deductible level and the maximum level of claims which the pool will self-insure;

(ii) The amount of cash reserves to be set aside for the payment of claims;

(iii) The amount of insurance to be purchased over and above the amount of claims to be satisfied directly from the organization's resources;

(iv) The amount of stop-loss coverage to be purchased in the event that the joint self-insurance pool's resources are exhausted in a given fiscal period; and

(v) Certification that the participating local governmental entities in the self-insurance pool are apprised of the limitations of coverage provided and

the availability of additional coverage which may be purchased individually by the participants in the pool;

(b) A plan of management setting forth the means of fulfilling the requirements of section 9(1) of this act, the means of establishing the governing authority of the organization, and the frequency of actuarial studies to establish the periodic contribution rates for each of the participants; and

(c) A plan specifying the conditions and responsibilities of the participants, including procedures for entry into and withdrawal from the pool and the allocation of contingent liabilities pursuant to section 6 of this act.

(2) Within sixty days after receipt of the aforementioned plan, the state risk manager shall determine whether the organization proposing to create a joint self-insurance pool has complied with the procedures and provisions contained in section 5(1) of this act, and has made provision for professional management of the joint self-insurance pool pursuant to section 9(1) of this act, and has provided for the insurance coverages required in section 9 (2) and (3) of this act, and that participants in the proposed joint self-insurance pool have been informed of the deductibles and limitations established pursuant to section 9(4) of this act. If the state risk manager determines that these criteria have been met, he shall approve the plan of operation of the proposed joint self-insurance pool, and such organization shall be authorized to commence operation.

(3) If approval is denied, the state risk manager shall specify in detail the reasons for denial and the manner in which the proposed joint self-insurance pool fails to meet the requirements of this section and section 9 (1) through (4) of this act and make comments and suggestions as to means by which such deficiencies could be corrected. The provisions of RCW 34.04-.090 shall apply with regard to such basis for denial and a review thereof. If the risk manager fails to act within the time limit established in subsection (2) of this section the plan of operation of the proposed joint self-insurance pool shall be deemed approved.

NEW SECTION. Sec. 6. Any organization of local governmental entities that is organized under section 4 of this act which is established for the purpose of joint self-insuring through a contributing trust fund shall provide for the contingent liability of the participants in the event the assets of the joint self-insurance pool are not sufficient to cover its liabilities.

Each organization shall be exempt from insurance premium taxes, from chapters 48.32 and 48.32A RCW and from business and occupation taxes imposed pursuant to chapter 82.04 RCW, and from any assigned risk plan or joint underwriting authority otherwise required by law.

NEW SECTION. Sec. 7. The assets of any organization of local governmental entities that is organized under section 4 of this act which is established for the purpose of jointly self-insuring may, pursuant to section 8 of this act, be invested only in the following classes of securities and investments:

(1) Savings or time accounts in banks, trust companies, and mutual savings banks which are doing business in this state, up to the amount of insurance afforded such accounts by the federal deposit insurance corporation;

(2) Accounts in savings and loan associations which are doing business in this state, up to the amount of insurance afforded such accounts by the federal savings and loan insurance corporation;

(3) Investment deposits in banks, trust companies, mutual savings banks, and savings and loan associations, which are doing business in this state, available for investment and secured by collateral in accordance with the provisions of chapter 39.58 RCW;

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

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

(6) Direct and general obligation bonds and warrants of the state of Washington or any other state of the United States;

(7) Direct and general obligation bonds and warrants of any local governmental entity of this state having the power to levy general taxes which are payable from general ad valorem taxes;

(8) Revenue bonds of this state or any authority, board, commission, committee, or similar agency thereof;

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

(10) Bonds, securities, and obligations which are designated to be authorized security for all public deposits pursuant to RCW 35.58.510, 35.81-.110, 35.82.220, 39.60.030, 39.60.040, and 54.24.120.

NEW SECTION. Sec. 8. Any organization of local governmental entities that is organized under section 4 of this act which is established for the purpose of jointly self-insuring may invest all or a portion of its assets by one or more of the following methods:

(1) Directly invest such assets itself; or

(2) Deposit such assets with the treasurer of any county within whose territorial limits any of its member local governmental entities lies to be invested by such treasurer for the organization.

NEW SECTION. Sec. 9. Any organization of local governmental entities that is organized under section 4 of this act which elects to provide pooled self-insurance shall satisfy the following requirements:

(1) Contract with a professional insurance management corporation or otherwise provide for the management and operation of any joint self-insurance pool established by the organization;

(2) Provide for umbrella coverage for the participating local governmental entities;

(3) Provide insurance coverage for those claims which the organization plans to jointly self-insure, such coverage to be effective only in the event of the exhaustion of the joint self-insurance pool's resources for a given fiscal period;

(4) Establish deductibles and/or limits to any coverage that is provided; and

(5) Provide an annual report of the operations of the organization to the participating entities, the state risk manager, and the state insurance commissioner.

NEW SECTION. Sec. 10. Any organization of local governmental entities that is organized under section 4 of this act shall have the flexibility to perform its functions and at its option may, if such functions and actions are within its purview as established by the agreement or contract adopted pursuant to chapter 39.34 RCW that lists the powers and functions of the organization, do any of the following:

(1) Contract or otherwise provide for risk management and loss control services;

(2) Contract or otherwise provide legal counsel for the defense of claims and/or other legal services;

(3) Consult with the state insurance commissioner and/or the state risk manager;

(4) Jointly purchase insurance coverage in such form and amount as the organization's participants may by contract agree; and

(5) Possess any other powers and perform all other functions reasonably necessary to carry out the purposes of this chapter.

NEW SECTION. Sec. 11. Any organization of local governmental entities that is organized under section 4 of this act may provide for private meetings to consider litigation and settlement of claims when it appears that public discussion of these matters would impair the organization's ability to conduct its business effectively.

Notwithstanding any provision to the contrary contained in the public disclosure act, chapter 42.17 RCW, in a claim or action against the state or any local governmental entity, no person shall be entitled to discover that portion of funds or liability reserve established for purposes of satisfying a claim or cause of action, except that the reserve is discoverable in any supplemental or ancillary proceeding to enforce a judgment.

NEW SECTION. Sec. 12. The provisions of RCW 48.30.140 and 48.30.150 shall not be construed in such a manner as to prevent any local governmental entity or organization of local government entities that is organized under section 4 of this act from engaging or contracting with an insurance agent or broker to purchase or obtain insurance on a fee basis.

Sec. 13. Section .01.05, chapter 79, Laws of 1947 as amended by section 1, chapter 13, Laws of 1975-'76 2nd ex. sess. and RCW 48.01.050 are each amended to read as follows:

"Insurer" as used in this code includes every person engaged in the business of making contracts of insurance, other than a fraternal benefit society. A reciprocal or interinsurance exchange is an "insurer" as used in this code. Two or more hospitals, as defined in RCW 70.39.020(3), which join and organize as a mutual corporation pursuant to chapter 24.06 RCW for the purpose of insuring or self-insuring against liability claims, including medical liability, through a contributing trust fund shall not be deemed an "insurer" under this code. Two or more local governmental entities, as defined in section 2 of this 1979 act, which pursuant to section 4 of this 1979 act or any other provision of law join together and organize to form an organization for the purpose of jointly self-insuring shall not be deemed an "insurer" under this code.

NEW SECTION. Sec. 14. Sections 1 through 12 of this act are each added to Title 48 RCW.

Passed the House May 31, 1979.

Passed the Senate May 9, 1979.

Approved by the Governor June 21, 1979.

Filed in Office of Secretary of State June 21, 1979.

CHAPTER 257

[House Bill No. 191]

SCHOOL DISTRICT BONDS—SALE AND ISSUANCE COSTS, PAYMENT OF

AN ACT Relating to school district bonds; amending section 28A.51.070, chapter 223, Laws of 1969 ex. sess. and RCW 28A.51.070; amending section 4, chapter 244, Laws of 1969 ex. sess. as last amended by section 1, chapter 98, Laws of 1975 1st ex. sess. and RCW 28A.47.803; and creating a new section.

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

Section 1. Section 28A.51.070, chapter 223, Laws of 1969 ex. sess. and RCW 28A.51.070 are each amended to read as follows:

At the time named in said notice it shall be the duty of said board of directors to meet with the county treasurer at his office, and with him open said bids, and sell said bonds or any portion thereof to the person or persons making the most advantageous offer: PROVIDED, That said bids and the acceptance or rejection thereof and the sale of such bonds shall be in conformance with the provisions of RCW 39.44.030. Upon the sale of the

bonds, the board of directors, as soon thereafter as practicable, shall deliver the bonds, properly executed, to the county treasurer, taking his receipt therefor. The county treasurer, upon payment of the price agreed upon, shall deliver the same to the person or persons to whom sold, and place the moneys arising from such sale to the credit of the general school fund of the district: PROVIDED, That where the bonds have been sold for the purchase of a schoolhouse site or sites or building one or more schoolhouses and providing the same with all necessary furniture, apparatus or equipment, or for any or all of these purposes, he shall place the money derived from such sale to the credit of the building fund of the district, and such fund is hereby created. (~~Fees for advertising shall be deducted from the proceeds.~~) The board of directors may provide that costs incurred relating to the sale and issuance of the bonds shall be paid from the bond proceeds. If the board of directors and the person or persons to whom the bonds are sold agree that the delivery of said bonds shall be in installments, the county treasurer shall hold said bonds, and deliver to purchasers only on written order of the board of directors to deliver at specified times the bonds designated by number and series.

****Sec. 2. Section 4, chapter 244, Laws of 1969 ex. sess. as last amended by section 1, chapter 98, Laws of 1975 1st 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-.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 districts 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 ~~((three))~~ two, and then the result of the foregoing shall be divided by ~~((three))~~ 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).

$$\begin{array}{rcc}
 \text{Computed} & & \\
 \text{State} & & \\
 \text{Ratio} & = & \text{State} \\
 & & \text{Assist-} \\
 & & \text{ance} \\
 & & \% \\
 & = & \\
 \text{((3))} & \frac{\text{District adjusted}}{\text{valuation per full}} & \frac{\text{Total state ad-}}{\text{justed valuation}} \\
 & \frac{\text{time equivalent}}{\text{pupil}} & \frac{\text{per full time}}{\text{equivalent pupil}} \\
 & & \\
 \text{((3))} & \frac{\text{District adjusted}}{\text{valuation per full}} & \frac{\text{Total state ad-}}{\text{justed valuation}} \\
 & \frac{\text{time equivalent}}{\text{pupil}} & \frac{\text{per full time}}{\text{equivalent pupil}}
 \end{array}$$

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.47.800 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; PROVIDED FURTHER, That the percentage of state assistance to any such school district shall be based upon the formula in this subsection in effect at such time a district's bond issue for any such specific project was approved by the voters.

(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. 2 was vetoed, see message at end of chapter.

NEW SECTION. Sec. 3. 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 House June 1, 1979.

Passed the Senate June 1, 1979.

Approved by the Governor June 21, 1979, with the exception of Section 2 which is vetoed.

Filed in Office of Secretary of State June 21, 1979.

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

"I am returning herewith without my approval as to one section of House Bill No. 191 entitled:

"AN ACT Relating to school district bonds;"

Section 2 of this bill would reduce the state's matching ratio for school district capital construction. Buildings are an integral part of an educational program and to reduce the state matching ratio for capital at the same time the state has increased its commitment to 100 percent of basic education operating costs would be inconsistent. In addition, decreasing the state's matching ratio for capital construction would increase property tax levies at a time when the Legislature has approved, and I have signed, several measures designed to decrease property taxes.

A major thrust of my administration has been to place the common schools on a sound financial basis and reduce property taxes as a primary source of support. To reduce the state's funding for school construction would be in conflict with my basic commitment to both goals. While I do not endorse buildings that are unnecessary, I believe the voters of the individual school districts are best able to judge the necessity for construction of school buildings when they cast their special levy votes.

With the exception of Section 2, which I have vetoed, the remainder of House Bill No. 191 is approved."

CHAPTER 258

[Substitute House Bill No. 574]

WATER SUPPLY FACILITIES—CONSTRUCTION—BOND ISSUE— APPROPRIATION

AN ACT Relating to state and local government and the support thereof; authorizing the issuance and sale of state general obligation bonds to provide for needed water supply facilities throughout the state; providing ways and means to pay the bonds; adding a new chapter to Title 43 RCW; and making an appropriation.

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

NEW SECTION. Section 1. The development goals for the state of Washington must include the provision of those supportive public services necessary for the development and expansion of industry, commerce, and

employment, including the furnishing of an adequate supply of water for domestic and industrial purposes.

NEW SECTION. Sec. 2. For the purpose of providing funds for the planning, acquisition, construction, and improvement of water supply facilities within the state, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of ten million dollars or so much thereof as may be required to finance the improvements defined in this chapter and all costs incidental thereto. These bonds shall be paid and discharged within thirty years of the date of issuance. No bonds authorized by this chapter shall be offered for sale without prior legislative appropriation of the proceeds of such bonds to be sold.

NEW SECTION. Sec. 3. The proceeds from the sale of bonds authorized by this chapter, and any interest earned on the interim investment of the proceeds, shall be deposited in the state and local improvements revolving account—water supply facilities in the general fund and shall be used exclusively for the purpose specified in this chapter and for payment of the expenses incurred in the issuance and sale of the bonds.

NEW SECTION. Sec. 4. The proceeds from the sale of the bonds deposited in the state and local improvements revolving account—water supply facilities of the general fund under the terms of this chapter shall be administered by the state department of social and health services subject to legislative appropriation. The department may use or permit the use of any funds derived from the sale of bonds authorized under this chapter to accomplish the purpose for which the bonds are issued by direct expenditures and by grants or loans to public bodies, including grants to public bodies as matching funds in any case where federal, local, or other funds are made available on a matching basis for improvements within the purposes of this chapter.

NEW SECTION. Sec. 5. As used in this chapter, the term "water supply facilities" means municipal and industrial water supply and distribution systems including, but not limited to, all equipment, utilities, structures, real property, and interests in and improvements on real property, necessary for or incidental to the acquisition, construction, installation, or use of any municipal and industrial water supply or distribution system.

As used in this chapter, the term "public body" means the state of Washington, or any agency, political subdivision, taxing district, or municipal corporation thereof, an agency of the federal government, and those Indian tribes now or hereafter recognized as such by the federal government for participation in the federal land and water conservation program and which may constitutionally receive grants or loans from the state of Washington.

NEW SECTION. Sec. 6. The state finance committee shall prescribe the form, terms, conditions, and covenants of the bonds, the time or times of

sale of all or any portion of them, and the conditions and manner of their sale and issuance. None of the bonds authorized by this chapter shall be sold for less than their par value.

NEW SECTION. Sec. 7. When the state finance committee has decided to issue such bonds or a portion thereof, it may, pending the issuing of the bonds, issue, in the name of the state, temporary notes in anticipation of the money to be derived from the sale of such bonds, which notes shall be designated as "anticipation notes." Such portion of the proceeds of the sale of the bonds as may be required for such purpose shall be applied to the payment of the principal of and interest on the anticipation notes which have been issued. The bonds and notes shall pledge the full faith and credit of the state of Washington and shall contain an unconditional promise to pay the principal and interest when due. The state finance committee may authorize the use of a printed facsimile of the seal of the state of Washington in the issuance of the bonds and notes.

NEW SECTION. Sec. 8. The 1979 water supply facilities bond redemption fund is created in the state treasury. This fund shall be used for the payment of interest on and retirement of the bonds authorized by this chapter. The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet the bond retirement and interest requirements. Not less than thirty days prior to the date on which any interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the 1979 water supply facilities bond redemption fund an amount equal to the amount certified by the state finance committee to be due on the payment date.

If a state general obligation bond retirement fund is created in the state treasury by chapter ... (SB 2361 or HB 569), Laws of 1979 1st ex. sess., and becomes effective by statute prior to the issuance of any of the bonds authorized by this chapter, the state general obligation bond retirement fund shall be used for purposes of this chapter in lieu of the 1979 water supply facilities bond redemption fund, and the water supply facilities bond redemption fund shall cease to exist.

The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

NEW SECTION. Sec. 9. The legislature may provide additional means for raising moneys for the payment of the principal and interest of the bonds authorized in this chapter, and this chapter shall not be deemed to provide an exclusive method for such payment.

NEW SECTION. Sec. 10. The bonds authorized by this chapter shall be a legal investment for all state funds or for funds under state control and for all funds of any other public body.

NEW SECTION. Sec. 11. Sections 1 through 10 of this act shall constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 12. There is appropriated to the state department of social and health services, from the state and local improvements revolving account out of the proceeds from the sale of bonds or notes authorized by this 1979 act, the sum of ten million dollars for grants to public bodies as state matching funds for the purpose of aiding in planning, acquisition, construction, and improvement of water supply facilities. This appropriation expires on June 30, 1981.

NEW SECTION. Sec. 13. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the House June 1, 1979.

Passed the Senate June 1, 1979.

Approved by the Governor June 21, 1979.

Filed in Office of Secretary of State June 21, 1979.

CHAPTER 259

[Substitute House Bill No. 768]

INSTITUTIONS OF HIGHER EDUCATION—RETIREMENT PLANS

AN ACT Relating to retirement plans of certain institutions of higher education; amending section 28B.10.400, chapter 223, Laws of 1969 ex. sess. as last amended by section 15, chapter 169, Laws of 1977 ex. sess. and RCW 28B.10.400; amending section 28B.10.415, chapter 223, Laws of 1969 ex. sess. as last amended by section 18, chapter 169, Laws of 1977 ex. sess. and RCW 28B.10.415; adding a new section to chapter 28B.10 RCW; and declaring an emergency.

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

Section 1. Section 28B.10.400, chapter 223, Laws of 1969 ex. sess. as last amended by section 15, chapter 169, Laws of 1977 ex. sess. and RCW 28B.10.400 are each amended to read as follows:

The boards of regents of the state universities, the boards of trustees of the regional universities and of The Evergreen State College, and the state board for community college education are authorized and empowered:

(1) To assist the faculties and such other employees as any such board may designate in the purchase of old age annuities or retirement income plans under such rules and regulations as any such board may prescribe. County agricultural agents, home demonstration agents, 4-H club agents, and assistant county agricultural agents paid jointly by the Washington

State University and the several counties shall be deemed to be full time employees of the Washington State University for the purposes hereof;

(2) To provide, under such rules and regulations as any such board may prescribe for the faculty members or other employees under its supervision, for the retirement of any such faculty member or other employee on account of age or condition of health, retirement on account of age to be not earlier than the sixty-fifth birthday: PROVIDED, That such faculty member or such other employee may elect to retire at the earliest age specified for retirement by federal social security law: PROVIDED FURTHER, That any supplemental payment authorized by subsection (3) of this section and paid as a result of retirement earlier than age sixty-five shall be at an actuarially reduced rate;

(3) To pay to any such retired person or (~~his surviving spouse~~) to his designated beneficiary(s), each year after his retirement, (~~an~~) a supplemental amount which, when added to the amount of such annuity or retirement income plan, or retirement income benefit pursuant to RCW 28B.10.415, received by him or his ((surviving spouse)) designated beneficiary(s) in such year, will not exceed fifty percent of the average annual salary paid to such retired person for his highest two consecutive years of full time service under an annuity or retirement income plan established pursuant to subsection (1) of this section at an institution of higher education: PROVIDED, HOWEVER, That if such retired person prior to his retirement elected a supplemental payment survivors option, any such supplemental payments to such retired person or his ((surviving spouse)) designated beneficiary(s) shall be at actuarially reduced rates: PROVIDED FURTHER, That if a faculty member or other employee of ((the University of Washington or Washington State University)) an institution of higher education who is a participant in a retirement plan authorized by this section dies, or has died before retirement but after becoming eligible for retirement on account of age, the ((surviving spouse)) designated beneficiary(s) shall be entitled to receive the supplemental payment authorized by this subsection (3) of this section to which such ((surviving spouse)) designated beneficiary(s) would have been entitled had said deceased faculty member or other employee retired on the date of death after electing a supplemental payment survivors option: PROVIDED FURTHER, That for the purpose of this subsection, the designated beneficiary(s) shall be (a) the surviving spouse of the retiree; or, (b) with the written consent of such spouse, if any, such other person or persons as shall have an insurable interest in the retiree's life and shall have been nominated by written designation duly executed and filed with the retiree's institution of higher education.

Sec. 2. Section 28B.10.415, chapter 223, Laws of 1969 ex. sess. as last amended by section 18, chapter 169, Laws of 1977 ex. sess. and RCW 28B.10.415 are each amended to read as follows:

The boards of regents of the state universities, the boards of trustees of the regional universities and of The Evergreen State College, or the state board for community college education shall not pay any amount to be added to the annuity or retirement income plan of any retired person who has served for less than ten years in one or more of the state institutions of higher education. In the case of persons who have served more than ten years but less than twenty-five years no amount shall be paid in excess of four percent of the amount authorized in subdivision (3) of RCW 28B.10.400 as now or hereafter amended, multiplied by the number of years of full time service rendered by such person: PROVIDED, That credit for years of service at an institution of higher education shall be limited to those years in which contributions were made by a faculty member or other employee designated pursuant to RCW 28B.10.400(1) and the institution or the state as a result of which a benefit is being received by a retired person from any Washington state public retirement plan: PROVIDED FURTHER, That all such benefits that a retired person is eligible to receive shall reduce any supplementation payments provided for in RCW 28B.10.400 as now or hereafter amended.

NEW SECTION. Sec. 3. There is added to chapter 28B.10 RCW a new section to read as follows:

The boards of regents of the state universities, the boards of trustees of the state colleges, and the state board for community college education, when establishing the amount of supplemental payment under RCW 28B.10.400(3) as now or hereafter amended, shall apply the following assumptions:

(1) That the faculty member or such other employee at the time of retirement elected a joint and two-thirds survivor option on their annuity or retirement income plan using actual ages, but not exceeding a five-year age difference if married, or an actuarial equivalent option if single, which represents accumulations including all dividends from all matching contributions and any benefit that such faculty member is eligible to receive from any Washington state public retirement plan while employed at an institution of higher education;

(2) That on and after July 1, 1974, matching contributions were allocated equally between a fixed dollar and a variable dollar annuity;

(3) That for each year after age fifty, the maximum amount of contributions pursuant to RCW 28B.10.410 as now or hereafter amended be contributed toward the purchase of such annuity or retirement income plan, otherwise three-fourths of the formula described in RCW 28B.10.415, as now or hereafter amended, shall be applied.

NEW SECTION. Sec. 4. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House May 29, 1979.

Passed the Senate May 25, 1979.

Approved by the Governor June 21, 1979.

Filed in Office of Secretary of State June 21, 1979.

CHAPTER 260

[Substitute Senate Bill No. 3129]

PERFORMING ARTS FACILITIES—OLYMPIA, TACOMA—BOND ISSUE

AN ACT Relating to commerce, economic and cultural recreation development; providing for the planning, design, construction, furnishing, and landscaping of recreational performing arts facilities; providing for the financing thereof by issuance of bonds and anticipation notes; authorizing the acceptance of gifts of real property; adding new sections to chapter 43.31 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 matching funds for the planning, design, construction, furnishing, and landscaping of a regionally based performing arts facility, to be known as "the Washington center for the performing arts" facility located in Thurston county within the area of the city of Olympia, and for the purpose of providing matching funds for the restoration and renovation of "the Pantages theatre" facility located in Pierce county within the area of the city of Tacoma, the state finance committee is directed and authorized to issue general obligation bonds of the state of Washington in the sum of three million dollars, or so much thereof as may be required to finance that portion of the grant by the state for the projects as provided by law: **PROVIDED**, That one million five hundred thousand dollars shall be allocated for the Washington center for the performing arts, to be built on unimproved real estate provided by the city of Olympia as a multitheatre performing arts recreational facility for the people of the state of Washington: **AND PROVIDED FURTHER**, That one million five hundred thousand dollars shall be allocated for the renovation and restoration of the "Pantages theatre" as a performing arts recreational facility for the people of the state of Washington.

No bonds may be issued for the Washington center for the performing arts unless matching funds are provided or secured from the federal government or private sources in the amount of one million five hundred thousand dollars for the Washington center for the performing arts and the city of Olympia provides unimproved real estate for the site of the facility.

No bonds may be issued for the Pantages theatre unless matching funds are provided or secured from the federal government or private sources in

the amount of one million five hundred thousand dollars for the Pantages theatre.

No bonds authorized by this section shall be offered for sale without prior legislative appropriation, and these 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.

The state finance committee is authorized to prescribe the form of the bonds, the time of sale of all or any portion or portions of the 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. At the time the state finance committee determines to issue the bonds authorized in section 1 of this act, it may, pending issuance thereof, 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." The proceeds from the sale of the bonds and notes authorized by section 1 of this act, and this section, shall be deposited in the "cultural facilities construction account" hereby created in the general fund in the state treasury, and shall be used exclusively for the purposes specified in sections 1 through 5 of this act and for the payment of expenses incurred in the issuance and sale of the bonds and notes: PROVIDED, That such portion of the proceeds of the sale of such bonds as may be required for the payment of the principal and interest on such anticipation notes, as have been issued, shall be deposited in the cultural facilities bond redemption fund of 1979 in the state treasury created by section 4 of this act.

NEW SECTION. Sec. 3. The principal proceeds from the sale of the bonds authorized in section 1 of this act shall be administered by the director of commerce and economic development.

NEW SECTION. Sec. 4. The cultural facilities bond redemption fund of 1979, hereby created in the state treasury, shall be used for the purpose of the payment of interest on and retirement of the bonds and notes authorized to be issued by sections 1 and 2 of this act. The state finance committee, on or before June 30th of each year, shall certify to the state treasurer the amount needed in the ensuing twelve months to meet bond retirement and interest requirements. Not less than thirty days prior to the date on which any such interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury an amount equal to the amount certified by the state

finance committee to be due on such payment date and deposit the same in the cultural facilities bond redemption fund of 1979.

If a state general obligation bond retirement fund is created in the state treasury by chapter ... (SB 2361 or HB 569), Laws of 1979 1st ex. sess. and becomes effective by statute prior to the issuance of any of the bonds authorized by sections 1 through 5 of this act, the state general obligation bond retirement fund shall be used for purposes of sections 1 through 5 of this act in lieu of the cultural facilities bond redemption fund of 1979, and the cultural facilities bond redemption fund of 1979 shall cease to exist.

The owner and holder of each of the bonds or the trustee for any of the bonds, by mandamus or other appropriate proceeding, may require and compel the transfer and payment of funds as directed by this section.

NEW SECTION. Sec. 5. The bonds authorized by section 1 of this act shall be a legal investment for all state funds under state control and all funds of municipal corporations.

NEW SECTION. Sec. 6. Sections 1 through 5 of this act are each added to chapter 43.31 RCW.

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.

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 May 11, 1979.

Passed the House May 31, 1979.

Approved by the Governor June 25, 1979.

Filed in Office of Secretary of State June 25, 1979.

CHAPTER 261

[Substitute Senate Bill No. 2308]

EMERGENCY MEDICAL SERVICES

AN ACT Relating to emergency medical services; amending section 3, chapter 208, Laws of 1973 1st ex. sess. and RCW 18.73.030; amending section 4, chapter 208, Laws of 1973 1st ex. sess. as amended by section 43, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.73.040; amending section 5, chapter 208, Laws of 1973 1st ex. sess. and RCW 18.73.050; amending section 6, chapter 208, Laws of 1973 1st ex. sess. and RCW 18.73.060; amending section 7, chapter 208, Laws of 1973 1st ex. sess. and RCW 18.73.070; amending section 8, chapter 208, Laws of 1973 1st ex. sess. and RCW 18.73.080; amending section 9, chapter 208, Laws of 1973 1st ex. sess. and RCW 18.73.090; amending section 10, chapter 208, Laws of 1973 1st ex. sess. and RCW 18.73.100; amending section 11, chapter 208, Laws of 1973 1st ex. sess. and RCW 18.73.110; amending section 12, chapter 208, Laws of 1973 1st ex. sess. and RCW 18.73.120; amending section 13, chapter 208, Laws of 1973 1st ex. sess. as amended by section 61, chapter 158, Laws of 1979 and

RCW 18.73.130; amending section 14, chapter 208, Laws of 1973 1st ex. sess. and RCW 18.73.140; amending section 15, chapter 208, Laws of 1973 1st ex. sess. and RCW 18.73.150; amending section 16, chapter 208, Laws of 1973 1st ex. sess. and RCW 18.73.160; amending section 17, chapter 208, Laws of 1973 1st ex. sess. and RCW 18.73.170; amending section 18, chapter 208, Laws of 1973 1st ex. sess. and RCW 18.73.180; adding new sections to chapter 18.73 RCW; and making an appropriation.

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

Section 1. Section 3, chapter 208, Laws of 1973 1st ex. sess. and RCW 18.73.030 are each amended to read as follows:

Unless a different meaning is plainly required by the context, the following words and phrases as used in this chapter shall have the ~~((following))~~ meanings ~~((:))~~ indicated.

(1) "Secretary" means the secretary of the department of social and health services.

(2) "Department" means the department of social and health services.

(3) "Committee" means the emergency medical ~~((and ambulance review))~~ services committee.

(4) "Ambulance" means ~~((an emergency))~~ a vehicle designed and used to transport the ill and injured and to provide personnel, facilities, and equipment to treat patients before and during transportation.

(5) "First aid vehicle" means a vehicle ~~((primarily designed and))~~ used to carry first aid equipment and individuals trained in first aid or emergency medical procedure.

(6) "Emergency medical technician" means a person who ~~((has successfully completed a prescribed course of instruction and who has achieved a demonstrable level of performance and competence to treat victims of severe injury or other emergent condition))~~ is authorized by the secretary to render emergency medical care pursuant to RCW 18.73.110 as now or hereafter amended.

(7) "Ambulance operator" means a person who owns one or more ambulances and operates them as a private business.

(8) "Ambulance director" means a person who is a director of a service which operates one or more ambulances provided by a volunteer organization or governmental agency.

(9) "First aid vehicle operator" means a person who owns one or more first aid vehicles and operates them as a private business.

(10) "First aid director" means a person who is a director of a service which operates one or more first aid vehicles provided by a volunteer organization or governmental agency.

(11) "Emergency medical care" or "emergency medical service" means such medical treatment and care which may be rendered to persons injured, sick, or incapacitated ~~((at the scene of such injury, sickness, or incapacitation or in the ambulance))~~ in order to reduce the risk of loss of life or aggravation of illness or injury, including care rendered while transporting a

patient from an ambulance or other vehicle to an appropriate location within a hospital or other medical facility.

~~(12) ("Medical equipment" means such facilities and equipment to be used in the treatment of persons injured, sick or incapacitated carried by ambulance or first aid vehicle.~~

~~(13)) "Communications system" means a radio or landline network ((connected with a dispatch center which makes possible the alerting and coordination of personnel, equipment, and facilities)) which provides rapid public access, coordinated central dispatching of services, and coordination of personnel, equipment, and facilities in an emergency medical services system.~~

(13) "Emergency medical services region" means a region established by the secretary of the department of social and health services pursuant to RCW 18.73.060, as now or hereafter amended.

(14) "Patient care guidelines" mean the written guidelines adopted by the regional emergency medical services council under section 7 of this 1979 act which direct the care of the emergency patient. These guidelines shall be based upon the assessment of the patient's medical needs and his geographic location, and shall address which medical care vehicles will be dispatched to the scene, what treatment will be provided for serious conditions, which hospital will first receive the patient, and which hospitals are appropriate for transfer if necessary.

Sec. 2. Section 4, chapter 208, Laws of 1973 1st ex. sess. as amended by section 43, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.73.040 are each amended to read as follows:

There is created an emergency medical ~~((and ambulance review))~~ services committee of nine members to be appointed by the governor with the advice and consent of the senate. Members of the committee shall be persons knowledgeable in specific and general aspects of emergency medical services. Members shall be appointed for a period of three years; except, that the first appointees shall serve for terms as follows: Five for three years, two for two years, and two for one year. Further, the terms of those members representing the same field shall not expire at the same time.

The committee shall elect a chairman and a vice chairman whose terms of office shall be for one year each. The chairman shall be ineligible for re-election after serving two consecutive terms.

The committee shall meet on call by the governor, the secretary or the chairman.

All appointive members of the committee, in the performance of their duties, may be entitled to receive travel expenses as provided in RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

Sec. 3. Section 5, chapter 208, Laws of 1973 1st ex. sess. and RCW 18.73.050 are each amended to read as follows:

The committee shall ~~((advise and assist the secretary on the identification of the requirements for prehospital emergency medical and ambulance services and practices and the formulation of implementation planning:~~

The secretary shall submit in writing to each member of the committee all the rules and regulations, other than procedural matters, proposed by him for adoption in accordance with the procedures of chapter 34.04 RCW. Unless, within thirty days of such notification, five of the members of the committee notify the secretary in writing of their disapproval of such proposed rules and regulations and their reasons therefor, such rules and regulations shall be adopted by the secretary in accordance with the procedures of chapter 34.04 RCW);

(1) Advise the secretary regarding emergency medical care needs throughout the state.

(2) Review all administrative rules proposed for adoption by the secretary under this chapter or under RCW 18.71.205. The secretary shall submit all such rules to the committee in writing. The committee shall, within forty-five days of receiving the proposed rules, advise the secretary of its recommendations. If the committee fails to notify the secretary within forty-five days of receipt of a proposed rule it shall be deemed to be approved by the committee.

(3) Assist the secretary, at the secretary's request, to fulfill any duty or exercise any power under this chapter.

**Sec. 4. Section 6, chapter 208, Laws of 1973 1st ex. sess. and RCW 18.73.060 are each amended to read as follows:*

~~(1) The secretary shall designate at least ((eight planning and service areas)) six emergency medical service regions so that all parts of the state are within such ((an area. These designations are to be made on the basis of convenience and efficiency of delivery of needed emergency medical services.~~

~~(2) The secretary shall conduct a public hearing in a major city of each planning and service area at least sixty days prior to the formulation of a comprehensive plan for prehospital emergency medical services. Such hearing shall (a) afford an opportunity for participation by those interested in the determination of the need for, and the location of ambulances and first aid vehicles and (b) provide a public forum that affords a full opportunity for presenting views on any relevant aspect of prehospital emergency medical services)) a region.~~

(2) Each emergency medical service region shall be governed by a council composed of no more than eighteen members. The council members shall be persons knowledgeable in the field of emergency medicine, who shall be appointed by the legislative authority(s) of the county(s) included in the region, representing county medical societies, the American college of emergency physicians, the emergency department of the nurses association, regional hospital councils, public and private prehospital providers, elected officials, and representatives of the public at large and public safety. No county may

be divided between two or more regions. In any region which encompasses more than one county, each county shall have equal member representation.

*Section 4 was vetoed, see message at end of chapter.

Sec. 5. Section 7, chapter 208, Laws of 1973 1st ex. sess. and RCW 18-.73.070 are each amended to read as follows:

~~((The secretary shall prepare and adopt a comprehensive plan for pre-hospital emergency medical services in the state for persons injured as a result of motor vehicle accidents, suspected coronary victims, or persons suffering other acute illnesses or trauma. This plan shall include, but not be limited to the following: (1) The training of individuals in cardiopulmonary resuscitation, basic and advanced first aid, emergency medical technician, paramedic, and other programs for the development of prehospital emergency medical services personnel in the major city of each planning and service area; (2) the future development of rules and regulations for certification and licensure of prehospital emergency medical services personnel; and, (3) the study of prehospital emergency medical services needs, such as facilities, vehicles, equipment, communications and personnel in the state.~~

~~The secretary shall encourage communities to support the care and services required to meet the provisions of this plan or to develop such care and service. If any community is unable to provide the facilities, vehicles, equipment and personnel required, the secretary shall inform the committee thereof and the committee shall take such further action as it deems advisable consistent with the provisions of this chapter.)~~ After conducting a public hearing in one or more major cities in each emergency medical service region, affording all interested persons an opportunity to present their views on any relevant aspect of emergency medicine, the secretary shall adopt a state-wide comprehensive plan for the development and implementation of emergency medical care systems based upon the regional plans. The hearings shall be held at least sixty days before adoption or revision of the plan. Components of this plan shall include but not be limited to: Facilities, vehicles, medical and communications equipment, personnel and training, transportation, public information and education, and coordination of services.

The secretary shall encourage communities and medical care providers to implement the regional plan.

Sec. 6. Section 8, chapter 208, Laws of 1973 1st ex. sess. and RCW 18-.73.080 are each amended to read as follows:

In addition to other duties prescribed by law the secretary shall:

~~(1) ((It shall be the duty of the secretary, pursuant to the policy set forth in this chapter, to))~~ Prescribe minimum requirements for:

- (a) Ambulances;
- (b) First aid vehicles; and
- (c) Communication equipment((-));

~~((These requirements shall be reviewed regularly.))~~

(2) ~~((The secretary shall also))~~ Prescribe~~((, pursuant to the policy set forth in this chapter,))~~ minimum ~~((requirements for training of all first aid and ambulance personnel rendering emergency medical care or first aid.~~

~~((3) The secretary shall also))~~ standards governing the authorization and conduct of all training programs for emergency medical personnel authorized by this chapter;

(3) Review and approve or disapprove all applications for the conduct of emergency medical training courses authorized by this chapter;

(4) Establish and operate or contract with other qualified institutions or organizations for the operation of training programs for emergency medical personnel authorized by this chapter;

(5) Establish standards governing the establishment and operation of emergency medical care services and systems;

(6) Review the budgets prepared by the regional councils pursuant to section 7 of this 1979 act, and prepare a single budget for submission to the governor;

(7) Establish procedures for evaluating the effectiveness of emergency medical care throughout the state;

(8) Adopt a format for submission of annual regional plans;

(9) Cooperate with and assist ~~((the))~~ other agencies of state government and political subdivisions of the state of Washington who provide first aid ~~((and))~~ or emergency medical training to ensure that this training is available ~~((in each planning and service area of))~~ throughout the state ~~((pursuant to the policy set forth in this chapter.))~~;

~~((4) The secretary shall also))~~ (10) Prescribe minimum requirements for liability insurance to be carried by ambulance operators except that this requirement shall not apply to self-insured public bodies; and

(11) Assist in the coordination of medical air evacuation and poison control services.

****NEW SECTION. Sec. 7. There is added to chapter 18.73 RCW a new section to read as follows:***

In addition to any other duties provided by law, each regional emergency medical services council shall:

(1) At the request of the secretary, assist in the fulfillment of any duty or the exercise of any power prescribed by this chapter;

(2) Adopt and annually revise a regional plan, in the manner and form prescribed by the secretary, for the development and implementation of emergency medical care systems, including facilities, vehicles, medical and communication equipment, training, public information and education, and coordination of services; the plan shall be submitted to the secretary;

(3) Establish patient care guidelines for use within the region as approved by the secretary;

(4) Prepare a regional biennial budget request for the operation of the council and the development of emergency medicine within the region which

corresponds to the regional plan, and submit the budget request to the secretary;

(5) Disburse grant funds received from the secretary for the development of emergency medicine in accordance with the regional plan;

(6) Assist emergency medical providers throughout the region in coordinating their services;

(7) Advise units of local government within the region, and the secretary, regarding emergency medical needs within the region; and

(8) Establish local emergency medical councils within the region when, in the judgment of the regional council, such local councils would facilitate the development of emergency medicine within the region. Any local councils established pursuant to this section shall have such duties as the regional council shall prescribe. The members of any local council shall be appointed by the county legislative authority(s) of the county(s) within the local council, on the same basis used to appoint members of the regional council.

*Section 7 was vetoed, see message at end of chapter.

NEW SECTION. Sec. 8. There is added to chapter 18.73 RCW a new section to read as follows:

(1) The secretary, with the assistance of the regional emergency medical services councils, shall adopt a program for the disbursement of funds for the development of emergency medical care. Under the program, the secretary shall disburse funds to each regional council, stipulating the purpose for which the funds shall be expended. The regional council shall use such funds to make available matching grants in an amount not to exceed fifty percent of the cost of the proposal for which the grant is made. Grants shall be made to any public or private nonprofit agency which, in the judgment of the regional council, will best fulfill the purpose of the grant.

(2) Grants may be awarded for any of the following purposes:

(a) Establishment and initial development of an emergency medical service program;

(b) Expansion and improvement of an emergency medical service program;

(c) Purchase of equipment for the operation of an emergency medical service program; and

(d) Training and continuing education of emergency medical personnel.

(3) Any emergency medical service program which receives a grant shall stipulate that it will:

(a) Operate in accordance with patient care guidelines adopted by the regional council; and

(b) Provide, without prior inquiry as to ability to pay, emergency medical care to all patients requiring such care.

Sec. 9. Section 9, chapter 208, Laws of 1973 1st ex. sess. and RCW 18.73.090 are each amended to read as follows:

The secretary shall establish standards for emergency medical communications for use in connection with the delivery of emergency medical services systems. He shall, in conjunction with other agencies of state government and political subdivisions of the state of Washington, encourage establishment of a state-wide communication system utilizing presently available facilities and such additional facilities as they become available; except, that each ambulance and first aid vehicle licensed under provisions of this chapter shall be equipped with transmitting and receiving equipment.

Sec. 10. Section 10, chapter 208, Laws of 1973 1st ex. sess. and RCW 18.73.100 are each amended to read as follows:

Upon the establishment of this chapter, the secretary may grant variance from standards ~~((only))~~ when compliance can be expected to create prohibitive costs or cause substantial reduction or loss of existing service. Variance may be granted for a period of not more than one year. The variance may be renewed upon approval of the committee.

Sec. 11. Section 11, chapter 208, Laws of 1973 1st ex. sess. and RCW 18.73.110 are each amended to read as follows:

The secretary shall specify the level of knowledge required to qualify as an emergency medical technician and shall issue a certificate of qualification to those eligible applicants who pass a written and practical examination given under the secretary's direction, or who provide proof of having graduated, with satisfactory performance, from a course of instruction, of not less than eighty hours, approved by the secretary. Reciprocity may be arranged, in granting emergency medical technician certificates, with a national certifying organization whose standards are at least equal to those established by the secretary.

~~((A fee shall be established, except, that no fee shall be required of active volunteer personnel for such certificate.))~~

The certificate shall be valid for a period of ~~((three))~~ two years and may be renewed at expiration upon proof that the holder has ~~((attended a refresher course recognized by the department, or))~~ met postcertification, continuing education requirements adopted by the secretary and upon passing an examination ~~((such as given to new applicants))~~ approved by the secretary: PROVIDED, That in cities having a population of four hundred thousand or more such certificates shall be valid for a period of three years.

Sec. 12. Section 12, chapter 208, Laws of 1973 1st ex. sess. and RCW 18.73.120 are each amended to read as follows:

The secretary shall ~~((issue a))~~ recognize a current certificate of advanced first aid qualification ~~((to))~~ for those ~~((applicants))~~ who provide proof of advanced Red Cross training or its equivalent. ~~((The certificate shall be valid for a period of three years, and may be renewed at expiration upon proof that the holder has received a recognized Red Cross refresher~~

~~course or its equivalent, or upon passing an examination such as that given new applicants:~~

~~A fee shall be established for such certificate, except, that law enforcement officers, fire fighting personnel, or other governmental personnel required to have advanced first aid qualification as a qualification for employment shall be exempt from this fee.)~~

Sec. 13. Section 13, chapter 208, Laws of 1973 1st ex. sess. as amended by section 61, chapter 158, Laws of 1979 and RCW 18.73.130 are each amended to read as follows:

An ambulance operator, ambulance director, first aid vehicle operator or first aid director may not operate a service in the state of Washington without holding a license for such operation, issued by the secretary when such operation is consistent with the comprehensive plan established pursuant to RCW 18.73.070, indicating the general area to be served and the number of vehicles to be used, with the following exceptions:

- (1) The United States government;
- (2) Ambulance operators and ambulance directors providing service in other states when bringing patients into this state;
- (3) Owners of businesses in which ambulance or first aid vehicles are used exclusively on company property but occasionally in emergencies may bring patients to hospitals not on company property;
- (4) Operators of vehicles pressed into service for transportation of patients in emergencies when licensed ambulances are not available or cannot meet overwhelming demand.

The license shall be valid for a period of three years and shall be renewed on request provided the holder has consistently complied with the regulations of the department and the department of licensing and provided also that the needs of the area served have been met satisfactorily. The license shall not be transferable.

~~((A license fee shall be required for ambulance operators and first aid operators.))~~

Sec. 14. Section 14, chapter 208, Laws of 1973 1st ex. sess. and RCW 18.73.140 are each amended to read as follows:

The secretary shall approve the issuance of an ambulance license for each vehicle so designated. The license shall be for a period of one year and may be reissued on expiration if the vehicle and its operation meet requirements in force at the time of expiration of the license period. The license may be revoked if the ambulance is found to be operating in violation of the regulations promulgated by the department or without required equipment. The license shall be terminated automatically if the vehicle is sold or transferred to the control of anyone not currently licensed as an ambulance operator or ambulance director. The ambulance license number shall be prominently displayed on each vehicle.

~~((A fee shall be established for vehicles operated by an ambulance operator.))~~

Licensed ambulances shall be inspected periodically by the secretary at the location of the ambulance station. Inspection shall include adequacy and maintenance of medical equipment and supplies and the mechanical condition of the vehicle including its mechanical and electrical equipment.

Sec. 15. Section 15, chapter 208, Laws of 1973 1st ex. sess. and RCW 18.73.150 are each amended to read as follows:

Any ambulance operated as such shall operate with sufficient personnel for adequate patient care, at least one of whom shall be an emergency medical technician under standards promulgated by the secretary. The emergency medical technician shall have responsibility for its operation and for the care of patients both before they are placed aboard the vehicle and during transit. If there are two or more emergency medical technicians operating the ambulance, a nondriving medical technician shall be in command of the vehicle. The emergency medical technician in command of the vehicle shall be in the patient compartment and in attendance to the patient.

The driver of the ambulance shall have at least a certificate of advance first aid qualification (~~issued~~) recognized by the secretary pursuant to RCW 18.73.120.

Sec. 16. Section 16, chapter 208, Laws of 1973 1st ex. sess. and RCW 18.73.160 are each amended to read as follows:

The secretary shall approve the issuance of a first aid vehicle license for each vehicle so designated. The license shall be for a period of one year and may be reissued on expiration if the vehicle meets requirements in force at the time of expiration of the license period. The license may be revoked if the vehicle is found to be operating in violation of regulations promulgated by the department or without required equipment. The license shall be terminated automatically if the vehicle is sold or transferred to the control of anyone not currently licensed as a first aid vehicle operator or first aid director. The first aid vehicle license number shall be prominently displayed on each vehicle.

~~((A fee shall be established for vehicles operated by a first aid vehicle operator.))~~

Licensed first aid vehicles shall be inspected periodically by the secretary at the location of the first aid vehicle station. Inspection shall include adequacy and maintenance of medical equipment and supplies and the mechanical condition of the vehicle, including mechanical and electrical equipment.

Sec. 17. Section 17, chapter 208, Laws of 1973 1st ex. sess. and RCW 18.73.170 are each amended to read as follows:

The first aid vehicle shall be operated in accordance with standards promulgated by the secretary, by at least one person (~~((certificated pursuant to))~~) holding a certificate recognized under RCW 18.73.120 (~~((and under standards promulgated by the secretary))~~).

The first aid vehicle may be used for transportation of patients only when it is impossible or impractical to obtain an ambulance or when a wait for arrival of an ambulance would place the life of the patient in jeopardy(~~(; except, that)~~). If so used, the vehicle shall be under the command of a person (~~((certificated))~~) holding a certificate recognized pursuant to RCW (~~((+8-73-120))~~) 18.73.110 other than the driver (~~((and))~~) who shall be in attendance to the patient.

Sec. 18. Section 18, chapter 208, Laws of 1973 1st ex. sess. and RCW 18.73.180 are each amended to read as follows:

Other vehicles not herein defined by this chapter shall not be used commercially or by public services for transportation of patients who must be carried on a stretcher and who (~~((required))~~) may require attention en route, except that such transportation may be used when (~~((directed by a physician, or when))~~) a disaster creates (~~((casualties in numbers))~~) a situation that cannot be served by licensed ambulances(~~(; or when any casual transportation of the infirm from his home or a health facility for routine medical treatment or care or for recreational and social purposes is desired)~~).

NEW SECTION. Sec. 19. There is hereby appropriated from the general fund to the department of social and health services for the 1979-81 biennium, the sum of two million two hundred twenty-nine thousand dollars and twelve additional FTE staff years or so much thereof as may be necessary to carry out the purposes of RCW 18.71.200 through 18.71.210 and chapter 18.73 RCW.

No less than sixty percent of the appropriated funds shall be disbursed in the form of grants under section 8 of this act.

Passed the Senate May 29, 1979.

Passed the House May 23, 1979.

Approved by the Governor June 25, 1979, with the exception of Sections 4 and 7 which are vetoed.

Filed in Office of Secretary of State June 25, 1979.

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

"I am returning herewith without my approval as to two sections Substitute Senate Bill No. 2308 entitled:

"AN ACT Relating to emergency medical services;"

I have vetoed Sections 4 and 7 of Substitute Senate Bill No. 2308 which would have established regional Emergency Medical Services governing councils and delegated to them certain administrative duties. Existing state law already gives the Secretary of the Department of Social and Health Services sufficient authority to establish program advisory bodies where necessary to fulfill programmatic or federal funding requirements. Since federal funding for emergency medical services will be exhausted during the ensuing 1979/81 biennium, it is inadvisable to saddle

the state with a bureaucracy of regional Emergency Medical Services governing councils with delegated responsibilities to establish patient care guidelines, disburse grant funds and submit regional budget requests. It is more appropriate for the state agency (i.e. DSHS) to be responsible for producing statewide plans for Emergency Medical Services training and equipment after consultation with appropriate advisory bodies, including locally elected public officials.

With the exception of Sections 4 and 7, which I have vetoed, the remainder of Substitute Senate Bill No. 2308 is approved."

CHAPTER 262

[Substitute Senate Bill No. 2451]

INSTITUTIONS OF HIGHER EDUCATION—TUITION AND FEE WAIVERS

AN ACT Relating to institutions of higher education; creating new sections; and adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW.

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

NEW SECTION. Section 1. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW a new section to read as follows:

(1) The total dollar amount of tuition and fee waivers awarded by any state university, regional university, state college, or in the case of the state's community colleges, all of the community colleges considered as a whole, shall not exceed four percent of an amount determined by estimating the total collections from tuition, operating, and services and activities fees had no such waivers been made and deducting the portion of that total amount which is attributable to the difference between resident and nonresident fees: PROVIDED, That at least three-fourths of the dollars waived shall be for needy or disadvantaged students under the program authorized by RCW 28B.15.530.

(2) The limitation on total tuition and fee waivers shall apply only to the following programs:

(a) Waivers for needy or disadvantaged students as authorized by RCW 28B.15.530;

(b) Waivers for students enrolled in a course of study or program which will enable them to finish their high school education and obtain a high school diploma or certificate as authorized by RCW 28B.15.520;

(c) Scholarships or waivers for foreign students as authorized by RCW 28B.10.200 and in section 2 of this act: PROVIDED, That awards which are a part of a reciprocal placement program based on contracts with institutions in foreign countries shall be exempt from the limitation in subsection (1) of this section; and

(d) Tuition and fee waiver programs authorized by sections 2, 3 and 4 of this act.

NEW SECTION. Sec. 2. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW a new section to read as follows:

The boards of trustees of the regional universities and The Evergreen State College, respectively, are authorized and empowered for the period beginning July 1, 1979 and ending June 30, 1983, to waive all or a part of the difference between the tuition, operating, and services and activities fees charged to resident students and the tuition, operating, and services and activities fees charged to nonresident students during each academic year for not more than twenty students at each institution who are citizens of foreign nations extending such benefits to Washington residents. Such waiver programs, to the greatest extent possible, shall promote reciprocal placements for Washington residents.

****NEW SECTION. Sec. 3. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW a new section to read as follows:***

The boards of trustees or regents of each of the state's universities, regional universities, state colleges, and the various community colleges, consistent with regulations and procedures established by the state board for community college education, may waive, in whole or in part, the tuition, operating, and services and activities fees for resident students demonstrating exceptional educational ability or potential.

****Sec. 3. was vetoed, see message at end of chapter.***

NEW SECTION. Sec. 4. There is added to chapter 223, Laws of 1969 ex. sess., and to chapter 28B.15 RCW a new section to read as follows:

The boards of trustees of each of the community colleges may waive in whole or in part the tuition, operating, and services and activities fees for "displaced homemakers" as defined by section 3, chapter 73, Laws of 1979 ex. sess. (Senate Bill No. 2406).

NEW SECTION. Sec. 5. 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 June 1, 1979.

Passed the House June 1, 1979.

Approved by the Governor June 25, 1979, with the exception of Section 3 which is vetoed.

Filed in Office of Secretary of State June 25, 1979.

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

"I am returning herewith without my approval as to Section 3, Substitute Senate Bill No. 2451 entitled:

"AN ACT Relating to institutions of higher education."

Section 3 allows fee waivers for students of exceptional educational ability or potential. This is a laudable idea, and one which I support in concept, but without a limiting clause it is subject to both abuse and unequal application. Therefore I feel that the only prudent course is to veto the section.

With the exception of Section 3, which I have vetoed, the remainder of SSB 2451 is approved."

CHAPTER 263

[Substitute Senate Bill No. 2504]

AGRICULTURAL WATER SUPPLY FACILITIES—APPROPRIATION

AN ACT Relating to agricultural water supply facilities; amending section 1, chapter 1, Laws of 1977 ex. sess. and RCW 43.83B.300; making an appropriation; creating new sections; adding a new section to chapter 87.03 RCW; and declaring an emergency.

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

Section 1. Section 1, chapter 1, Laws of 1977 ex. sess. and RCW 43.83B.300 are each amended to read as follows:

The legislature finds that it is necessary to provide the department of ecology with emergency powers to authorize withdrawals of public surface and ground waters, including dead storage within reservoirs, on a temporary basis, and construction of facilities in relation thereto, in order to alleviate emergency water supply conditions arising from the drought forecast for the state of Washington during the summer and fall of 1977.

The legislature further finds that there is a continuing agricultural water supply shortage in many areas of the state and that, in relation to the lessening of that unsatisfactory condition, there is an urgent need to both improve water supply facilities and replace other such facilities.

In order to provide needed capital for the planning, acquisition, construction, and improvement of water supply facilities to withdraw and distribute water to alleviate ~~((emergency))~~ unsatisfactory water supply conditions arising from ~~((the drought forecast for the state of Washington during the summer and fall of 1977))~~ droughts occurring from time to time in the state of Washington, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of eighteen million dollars, or so much thereof as may be required to finance such projects, and all costs incidental thereto. No bonds authorized by this section and RCW 43.83B.360 through 43.83B.375 shall be offered for sale without prior legislative appropriation, and these 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. There is appropriated to the department of ecology, for use under RCW 43.83B.210, the amount of sixteen million dollars for the biennium ending June 30, 1981, from the state emergency water projects revolving account: PROVIDED, That notwithstanding the criteria related to loans and grants contained in RCW 43.83B.210, not more than one hundred thousand dollars of the appropriation may be used for a loan or grant, or combination thereof, to the Cline Irrigation District, not more than one hundred thousand dollars of the appropriation may be used for a loan or grant, or combination thereof, to the Dungeness Irrigation District, not more than one hundred thousand dollars of the appropriation

may be used for a loan or grant, or combination thereof, to the Highland Irrigation District, not more than eight million two hundred seventy-six thousand dollars of the appropriation may be used for a loan or grant, or combination thereof, to the Yakima-Tieton Irrigation District, not more than two million four hundred forty-six thousand dollars of the appropriation may be used for a loan or grant, or combination thereof, to the Sunnyside Valley Irrigation District for the financing of water supply system improvement projects, not more than one million dollars of the appropriation may be used for a loan or grant, or combination thereof, to the Wenas Irrigation District, not more than four hundred twenty-five thousand dollars of the appropriation may be used for a loan or grant, or combination thereof, to the Icicle Irrigation District, not more than two hundred thousand dollars of the appropriation may be used for a loan or grant, or combination thereof, to the Agnew Irrigation District, and not more than five hundred thousand dollars of the appropriation may be used for a loan or grant to an agency of the United States for preparation of feasibility studies relating to a comprehensive water supply project designed to alleviate water shortages in the Yakima River Basin. Such studies shall include evaluation of impacts on fish, wildlife and other environmental features. RCW 43.83B.385 shall not apply to moneys appropriated in this section. ****Notwithstanding any other provisions of this section, no more than fifteen percent of the total state funds provided to any irrigation district by this 1979 act may be a grant, except that no more than fifty percent of the total state funds provided to the Wenas Irrigation District by this 1979 act may be a grant.***

***Sec. 3. was partially vetoed, see message at end of chapter.**

NEW SECTION. Sec. 3. Irrigation districts are authorized to enter into contracts with the department of ecology pertaining to loans or grants of funds authorized for allocation for construction and rehabilitation of irrigation water supply facilities to such districts by section 2 of this act, chapter 43.83B RCW, or any other provisions of this code. The construction and rehabilitation of irrigation water supply facilities shall include reasonable features to protect and enhance fish, wildlife, and other natural resources.

NEW SECTION. Sec. 4. There is added to chapter 87.03 RCW a new section to read as follows:

There may be created for each irrigation district a fund to be known as the upgrading and improvement fund. At least five percent of the revenue of each irrigation district may annually be placed into its upgrading and improvement fund. Monies from the upgrading and improvement fund may only be used to modernize, improve or upgrade the irrigation facilities of the irrigation district or to respond to an emergency affecting such facilities.

NEW SECTION. Sec. 5. If any provision of this 1979 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. 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 June 1, 1979.

Passed the House May 31, 1979.

Approved June 25, 1979, with the exception of the last sentence of Section 2, which is vetoed.

Filed in Office of Secretary of State June 25, 1979.

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

"I am returning herewith, without my approval as to an item contained in Section 2, Substitute Senate Bill No. 2504 entitled:

"AN ACT relating to agricultural water supply facilities; amending Section 1, Chapter 1, Laws of 1977 ex. sess., and RCW 43.83B.300; making an appropriation; creating new sections; adding a new section to Chapter 87.03 RCW; and declaring an emergency."

Section 2 of this bill delineates certain sums of money to be expended for loans and grants to various agencies. A proviso, however, added to the bill by House amendment adopted 5/12/79 and being part of line 7 and continuing through line 12 of page 3, Section 2 is a dramatic change from the legislative intent of the 1977 Act which stated "the grant portion for any single project shall not exceed fifteen percent of the total single project cost."

Changing the maximum grants amount to fifteen percent of "the total state funds" is a dramatic change in policy and appears to nullify earlier commitments arrived at between urban and agricultural interests.

Consequently, I have determined to veto the language contained in the last sentence of Section 2, page 3 of the bill.

With the exception of that portion of the bill that I have vetoed, the remainder of Substitute Senate Bill 2504 is approved."

CHAPTER 264

[Engrossed Senate Bill No. 2466]

CONSTRUCTION CONTRACTS—UNREASONABLE DELAY, DAMAGES WAIVER

AN ACT Relating to civil actions and proceedings; to exculpatory contractual provisions; adding new sections to chapter 4.24 RCW; and creating a new section.

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

NEW SECTION. Section 1. There is added to chapter 4.24 RCW a new section to read as follows:

Any clause in a construction contract, as defined in section 2 of this 1979 act, which purports to waive, release, or extinguish the rights of a

contractor, subcontractor, or supplier to damages or an equitable adjustment arising out of unreasonable delay in performance which delay is caused by the acts or omissions of the contractee or persons acting for the contractee is against public policy and is void and unenforceable.

This section shall not be construed to void any provision in a construction contract, as defined in section 2 of this 1979 act, which (1) requires notice of delays, (2) provides for arbitration or other procedure for settlement, or (3) provides for reasonable liquidated damages.

NEW SECTION. Sec. 2. There is added to chapter 4.24 RCW a new section to read as follows:

"Construction contract" for purposes of section 1 of this 1979 act means any contract or agreement for the construction, alteration, repair, addition to, subtraction from, improvement to, or maintenance of, any building, highway, road, railroad, excavation, or other structure, project, development, or improvement attached to real estate, including moving and demolition in connection therewith.

NEW SECTION. Sec. 3. The provisions of section 1 of this act shall apply to contracts or agreements entered into after the effective date of this 1979 act.

Passed the Senate June 1, 1979.

Passed the House May 30, 1979.

Approved by the Governor June 25, 1979.

Filed in Office of Secretary of State June 25, 1979.

CHAPTER 265

[Substitute Senate Bill No. 2685]

PUBLIC DISCLOSURE—PUBLIC AGENCIES AND OFFICERS— LOBBYING—FINANCIAL STATEMENTS

AN ACT Relating to public disclosure; amending section 19, chapter 1, Laws of 1973 as last amended by section 6, chapter 313, Laws of 1977 ex. sess. and RCW 42.17.190; amending section 13, chapter 1, Laws of 1973 as amended by section 6, chapter 112, Laws of 1975-'76 2nd ex. sess. and RCW 42.17.130; amending section 73, chapter 151, Laws of 1979 and RCW 42.17.240; repealing section 6, chapter 150, Laws of 1965 ex. sess., section 1, chapter 188, Laws of 1969 ex. sess. and RCW 42.21.060; repealing section 7, chapter 150, Laws of 1965 ex. sess. and RCW 42.21.070; and declaring an emergency.

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

Section 1. Section 19, chapter 1, Laws of 1973 as last amended by section 6, chapter 313, Laws of 1977 ex. sess. and RCW 42.17.190 are each amended to read as follows:

(1) Every legislator and every committee of the legislature shall file with the commission quarterly reports listing the names, addresses, and salaries of all persons employed by the person or committee making the filing for the purpose of aiding in the preparation or enactment of legislation or the performance of legislative duties of such legislator or committee during the

preceding quarter. The reports shall be made in the form and the manner prescribed by the commission and shall be filed between the first and tenth days of each calendar quarter: PROVIDED, That the information required by this subsection may be supplied, insofar as it is available, by the chief clerk of the house of representatives or by the secretary of the senate on a form prepared by the commission.

(2) Unless authorized by subsection (3) of this section or otherwise expressly authorized by law, no public funds ((~~shall~~)) may be used directly or indirectly for lobbying: PROVIDED, This ((~~shall~~)) does not prevent officers or employees of an agency from communicating with a member of the legislature on the request of that member; or communicating to the legislature, through the proper official channels, requests for legislative action or appropriations which are deemed necessary for the efficient conduct of the public business or actually made in the proper performance of their official duties: PROVIDED FURTHER, That this subsection ((~~shall~~)) does not apply to the legislative branch.

(3) Any agency, not otherwise expressly authorized by law, may expend public funds for lobbying, but such lobbying activity shall be limited to (a) providing information or communicating on matters pertaining to official agency business to any elected official or officer or employee of any agency or (b) advocating the official position or interests of the agency to any elected official or officer or employee of any agency: PROVIDED, That public funds ((~~shall~~)) may not be expended as a direct or indirect gift or campaign contribution to any elected official or officer or employee of any agency. For the purposes of this subsection, the term "gift" ((~~shall~~)) means a voluntary transfer of any thing of value without consideration of equal or greater value, but ((~~shall~~)) does not include informational material transferred for the sole purpose of informing the recipient about matters pertaining to official agency business: PROVIDED FURTHER, That this section ((~~shall~~)) does not permit the printing of a state publication which has been otherwise prohibited by law.

(4) Each (~~state agency which expends state funds for lobbying pursuant to an express authorization by law and each~~) state agency, county, city, town, municipal corporation, quasi-municipal corporation, or special purpose district which expends public funds for lobbying (~~pursuant to the authorization contained in subsection (3) of this section or whose officers or employees communicate on legislation directly affecting the agency to members of the legislature on request of any member or communicate to the legislature requests for legislation~~) shall file with the commission, except as exempted by subsection (4)(d) of this section, quarterly statements providing the following information for the quarter just completed:

(a) The name of the agency filing the statement;

(b) The name, title, and job description and salary of each elected official, officer, or employee (~~engaged in such activities~~) who lobbied, a general description of the nature of the ((activities)) lobbying, and the proportionate amount of time spent on the ((activities)) lobbying;

(c) (~~An itemized~~) A listing of ((any)) expenditures incurred by the agency for ((such activities)) lobbying including but not limited to travel, consultant or other special contractual services, and brochures and other publications, the principal purpose of which is to influence legislation;

(d) For purposes of subsection (4) of this section the term "lobbying" does not include:

(i) Requests for appropriations by a state agency to the office of financial management pursuant to chapter 43.88 RCW nor requests by the office of financial management to the legislature for appropriations other than its own agency budget requests;

(ii) Recommendations or reports to the legislature in response to a legislative request expressly requesting or directing a specific study, recommendation, or report by an agency on a particular subject;

(iii) Official reports including recommendations submitted to the legislature on an annual or biennial basis by a state agency as required by law;

(iv) Requests, recommendations, or other communication between or within state agencies or between or within local agencies;

(v) Any other lobbying to the extent that it includes:

(A) Telephone conversations or preparation of written correspondence;

(B) In-person lobbying on behalf of an agency of no more than four days or parts thereof during any three-month period by officers or employees of that agency and in-person lobbying by any elected official of such agency on behalf of such agency or in connection with the powers, duties, or compensation of such official: PROVIDED, That the total expenditures of nonpublic funds made in connection with such lobbying for or on behalf of any one or more members of the legislature or state elected officials or public officers or employees of the state of Washington do not exceed fifteen dollars for any three-month period: PROVIDED FURTHER, That the exemption under this subsection is in addition to the exemption provided in (A) of this subsection;

(C) Preparation or adoption of policy positions.

The statements shall be in the form and the manner prescribed by the commission and shall be filed within (~~thirty days~~) one month after the end of the quarter covered by the report.

(5) In lieu of reporting under subsection (4) of this section any county, city, town, municipal corporation, quasi municipal corporation, or special purpose district may determine and so notify the public disclosure commission, that elected officials, officers, or employees who on behalf of any such local agency engage in lobbying reportable under subsection (4) of this section shall register and report such reportable lobbying in the same manner

as a lobbyist who is required to register and report under RCW 42.17.150 and 42.17.170. Each such local agency shall report as a lobbyist employer pursuant to RCW 42.17.180.

(6) The provisions of this section ((shall)) do not relieve any elected official or officer or employee of an agency from complying with other provisions of this chapter, if such elected official, officer, or employee is not otherwise exempted.

(7) The purpose of this section is to require each state agency and certain local agencies to report the identities of those persons who lobby on behalf of the agency for compensation, together with certain separately identifiable and measurable expenditures of an agency's funds for that purpose. This section shall be reasonably construed to accomplish that purpose and not to require any agency to report any of its general overhead cost or any other costs which relate only indirectly or incidentally to lobbying or which are equally attributable to or inseparable from nonlobbying activities of the agency.

The public disclosure commission may adopt regulations clarifying and implementing this legislative interpretation and policy.

Sec. 2. Section 13, chapter 1, Laws of 1973 as amended by section 6, chapter 112, Laws of 1975-'76 2nd ex. sess. and RCW 42.17.130 are each amended to read as follows:

((+)) No elective official nor any employee of his office nor any person appointed to or employed by any public office or agency may use or authorize the use of any of the facilities of a public office or agency, directly or indirectly, for the purpose of assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition. Facilities of public office or agency include, but are not limited to, use of stationery, postage, machines, and equipment, use of employees of the office or agency during working hours, vehicles, office space, publications of the office or agency, and clientele lists of persons served by the office or agency: PROVIDED, That the foregoing provisions of this section shall not apply to ((those)) the following activities:

(1) Action taken at an open public meeting by members of an elected legislative body to express a collective decision, or to actually vote upon a motion, proposal, resolution, order, or ordinance, or to support or oppose a ballot proposition so long as (a) any required notice of the meeting includes the title and number of the ballot proposition, and (b) members of the legislative body or members of the public are afforded an approximately equal opportunity for the expression of an opposing view;

(2) A statement by an elected official in support of or in opposition to any ballot proposition at an open press conference or in response to a specific inquiry;

(3) Activities which are part of the normal and regular conduct of the office or agency.

Sec. 3. Section 73, chapter 151, Laws of 1979 and RCW 42.17.240 are each amended to read as follows:

(1) Every elected official (except president, vice president, and precinct committeemen), every chief executive state officer as specified in RCW 43.17.020, as now or hereafter amended, the director of financial management, the director of ~~((the department of))~~ personnel, the director of the planning and community affairs agency, the director of the state system of community colleges, the executive director of the data processing authority, the executive secretary of the forest practice appeals board, the director of the gambling commission, the director of the higher education personnel board, the secretary of transportation, the executive secretary of the horse racing commission, the executive secretary of the human rights commission, the administrator of the interagency committee for outdoor recreation, the director of parks and recreation, the executive secretary of the board of prison terms and paroles, the administrator of the public disclosure commission, the director of retirement systems, the secretary of the utilities and transportation commission, the executive secretary of the board of tax appeals, the secretary of the state finance committee, the president of each of the regional and state universities and the president of The Evergreen State College, each district and each campus president of each state community college, each professional staff member of the office of the governor, each professional staff member of the legislature, and ~~((every))~~ each member ~~((appointed to))~~ of the state board for community college education, ~~((office of community development,))~~ data processing authority, ~~((state finance committee, department of fisheries,))~~ forest practices board, forest practices appeals board, gambling commission, game commission, ~~((department of game, each professional staff member of the office of the governor, and each professional staff member of the legislature,))~~ higher education personnel board, ~~((state highway))~~ transportation commission, horse racing commission, human rights commission, board of industrial insurance appeals, liquor control board, interagency ~~((commission))~~ committee for outdoor recreation, parks and recreation commission, personnel board, board of prison terms and paroles, public disclosure commission, public employees' retirement system board, public pension commission, University of Washington board of regents, Washington State University board of regents, board of tax appeals, teachers' retirement system board of trustees, Central Washington University board of trustees, Eastern Washington University board of trustees, The Evergreen State College board of trustees, Western Washington University board of trustees, board of trustees of each community college, and the utilities and transportation commission, ~~((and each chief executive officer of the various state boards, authorities, commissions, councils, and other political agencies enumerated in this section in addition to those specified in RCW 43.17.020))~~ shall after January 1st and before ~~((January 31st))~~ April 15th of each year for the preceding calendar year;

and every candidate, and every person appointed to fill a vacancy in an elective office (except for the offices of president, vice president, and precinct committeeman) shall, within two weeks of becoming a candidate or being appointed to such elective office, and every person appointed to the appointive positions enumerated herein shall, within two weeks of being so appointed, ~~((or being appointed to such elective office,))~~ for the preceding twelve months; file with the commission a written statement sworn as to its truth and accuracy stating for himself and all members of his immediate family ~~((for the preceding twelve months))~~: PROVIDED, That no individual shall be required to file more than once in any calendar year: PROVIDED HOWEVER, That a statement of a candidate or appointee filed during the period January 1st to April 15th shall cover the period from January 1st of the preceding calendar year to the time of candidacy or appointment if the filing of such statement would relieve the individual of a prior obligation to file a statement covering the entire preceding calendar year:

(a) Occupation, name of employer, and business address; and

(b) Each bank or savings account or insurance policy in which any such person or persons owned a direct financial interest which exceeded five thousand dollars at any time during such period; each other item of intangible personal property in which any such person or persons owned a direct financial interest, the value of which exceeded five hundred dollars during such period; and the name, address, nature of entity, nature and highest value of each such direct financial interest during the reporting period; and

(c) The name and address of each creditor to whom the value of five hundred dollars or more was owed; the original amount of each debt to each such creditor; the amount of each debt owed to each creditor as of the date of filing; the terms of repayment of each such debt; and the security given, if any, for each such debt: PROVIDED, That debts arising out of a "retail installment transaction" as defined in chapter 63.14 RCW (Retail Installment Sales Act) need not be reported; and

(d) Every public or private office, directorship and position as trustee held; and

(e) All persons for whom any legislation, or any rule, rate, or standard has been prepared, promoted, or opposed for current or deferred compensation: PROVIDED, That for the purposes of this subsection, "compensation" shall not include payments made to ~~((an elected official))~~ the person reporting by the governmental entity for which such person serves as an elected ~~((official))~~ or appointed public officer or professional staff member for his service in office; the description of such actual or proposed legislation, rules, rates, or standards; and the amount of current or deferred compensation paid or promised to be paid; and

(f) The name and address of each governmental entity, corporation, partnership, joint venture, sole proprietorship, association, union, or other

business or commercial entity from whom compensation has been received in any form of a total value of five hundred dollars or more; the value of such compensation; and the consideration given or performed in exchange for such compensation; and

(g) The name of any corporation, partnership, joint venture, association, union, or other entity in which is held any office, directorship, or any general partnership interest, or an ownership interest of ten percent or more; the name or title of that office, directorship, or partnership; the nature of ownership interest; and with respect to each such entity: (i) With respect to a governmental unit in which the ~~((elected))~~ official holds any ~~((elective))~~ office or position, if such entity has received compensation in any form during the preceding twelve months from such governmental unit, the value of such compensation and the consideration given or performed in exchange for such compensation; (ii) The name of each governmental unit, corporation, partnership, joint venture, sole proprietorship, association, union, or other business or commercial entity from which such entity has received compensation in any form in the amount of two thousand five hundred dollars or more during the preceding twelve months and the consideration given or performed in exchange for such compensation: PROVIDED, That the term "compensation" for purposes of this subsection (1)(g)(ii) shall not include payment for water and other utility services at rates approved by the Washington state utilities and transportation commission or the legislative authority of the public entity providing such service: PROVIDED, FURTHER, That with respect to any bank or commercial lending institution in which is held any such office, directorship, partnership interest, or ownership interest, it shall only be necessary to report either the name, address, and occupation of every director and officer of such bank or commercial lending institution and the average monthly balance of each account held during the preceding twelve months by such bank or commercial lending institution from the governmental entity for which the individual is an ~~((elected))~~ official or candidate or professional staff member, or all interest paid by a borrower on loans from and all interest paid to a depositor by such bank or commercial lending institution if such interest exceeds six hundred dollars; and

(h) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds two thousand five hundred dollars in which any direct financial interest was acquired during the preceding calendar year, and a statement of the amount and nature of the financial interest and of the consideration given in exchange for such interest; and

(i) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds two thousand five hundred dollars in which any direct financial interest was divested during the preceding calendar year,

and a statement of the amount and nature of the consideration received in exchange for such interest, and the name and address of the person furnishing such consideration; and

(j) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds two thousand five hundred dollars in which a direct financial interest was held: PROVIDED, That if a description of such property has been included in a report previously filed, such property may be listed, for purposes of this provision, by reference to such previously filed report; and

(k) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds five thousand dollars, in which a corporation, partnership, firm, enterprise, or other entity had a direct financial interest, in which corporation, partnership, firm or enterprise a ten percent or greater ownership interest was held; and

(l) Such other information as the commission may deem necessary in order to properly carry out the purposes and policies of this chapter, as the commission shall by rule prescribe.

(2) Where an amount is required to be reported under subsection (1), paragraphs (a) through (k) of this section, it shall be sufficient to comply with such requirement to report whether the amount is less than one thousand dollars, at least one thousand dollars but less than five thousand dollars, at least five thousand dollars but less than ten thousand dollars, at least ten thousand dollars but less than twenty-five thousand dollars, or twenty-five thousand dollars or more. An amount of stock may be reported by number of shares instead of by market value. No provision of this subsection shall be interpreted to prevent any person from filing more information or more detailed information than required.

~~((3) All persons reporting under this section shall not be required to file the statements required to be filed with the secretary of state under RCW 42.21.060.))~~

NEW SECTION. Sec. 4. The following acts or parts of acts are each repealed:

(1) Section 6, chapter 150, Laws of 1965 ex. sess., section 1, chapter 188, Laws of 1969 ex. sess. and RCW 42.21.060; and

(2) Section 7, chapter 150, Laws of 1965 ex. sess. and RCW 42.21.070.

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 June 1, 1979.

Passed the House June 1, 1979.

Approved by the Governor June 25, 1979.

Filed in Office of Secretary of State June 25, 1979.

CHAPTER 266

[Engrossed Substitute Senate Bill No. 2929]

TAXATION, MOBILE HOMES—FERRY SALES, USE TAX EXEMPTIONS, LOCAL GOVERNMENT—PRINTED MATERIALS, PUBLIC AGENCIES, B & O EXEMPTION

AN ACT Relating to revenue and taxation; amending section 28A.45.090, chapter 223, Laws of 1969 ex. sess. and RCW 28A.45.090; amending section 13, chapter 231, Laws of 1971 ex. sess. and RCW 46.12.105; amending section 1, chapter 12, Laws of 1979 and RCW 82.08.030; amending section 2, chapter 12, Laws of 1979 and RCW 82.12.030; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.45 RCW; adding a new section to chapter 82.04 RCW; adding a new section to chapter 15, Laws of 1961 and to chapter 82.08 RCW; adding a new section to chapter 15, Laws of 1961 and to chapter 82.12 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 223, Laws of 1969 ex. sess. and to chapter 28A.45 RCW a new section to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Real estate" means real property but includes used mobile homes.

(2) "Used mobile home" means a mobile home which has been previously sold at retail and the immediately preceding sale has already been subjected to tax under chapter 82.08 RCW, or which has been previously used and the immediately preceding use has already been subjected to tax under chapter 82.12 RCW, and 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, and other utilities.

(3) "Mobile home" means a mobile home as defined by RCW 46.04-.302, as now or hereafter amended.

Sec. 2. Section 28A.45.090, chapter 223, Laws of 1969 ex. sess. and RCW 28A.45.090 are each amended to read as follows:

The tax hereby imposed shall be paid to and collected by the county treasurer who shall cause a stamp evidencing satisfaction of the lien to be affixed to the instrument of sale or conveyance prior to its recording or to the real estate excise tax affidavit in the case of used mobile home sales. A receipt issued by the county treasurer for the payment of the tax imposed under this chapter shall be evidence of the satisfaction of the lien imposed

hereunder and may be recorded in the manner prescribed for recording satisfactions of mortgages. No instrument of sale or conveyance evidencing a sale subject to the tax shall be accepted by the county auditor for filing or recording until the tax shall have been paid and the stamp affixed thereto; in case the tax is not due on the transfer, the instrument shall not be so accepted until suitable notation of such fact has been made on the instrument by the treasurer.

NEW SECTION. Sec. 3. There is added to chapter 15, Laws of 1961 and to chapter 82.08 RCW a new section to read as follows:

The tax imposed by RCW 82.08.020 shall not apply to:

(1) Sales of used mobile homes as defined in section 1 of this act or sales of used mobile homes if the sale thereof to the present user has already been subjected to tax under 28A.45 RCW.

(2) The renting or leasing of mobile homes where such rental agreement or lease exceeds thirty days in duration and where the rental or lease of such mobile home is not conducted jointly with the provision of short term lodging for transients.

NEW SECTION. Sec. 4. There is added to chapter 15, Laws of 1961 and to chapter 82.12 RCW a new section to read as follows:

The tax imposed by RCW 82.12.020 shall not apply in respect to the use of used mobile homes as defined in section 1 of this act if the sale thereof to the present user has already been subjected to tax under chapter 28A.45 RCW.

Sec. 5. Section 13, chapter 231, Laws of 1971 ex. sess. and RCW 46-12.105 are each amended to read as follows:

When the ownership of a mobile home is transferred and the new owner thereof applies for a new certificate of ownership for such mobile home, the ~~((director of motor vehicles or his))~~ department of licensing or its agents, including county auditors, shall notify the county assessor of the county where such mobile home is located of the change in ownership including the name and address of the new owner and the name of the former owner. A certificate of ownership for a mobile home shall not be transferred or issued until the department has verified that any taxes due on the sale of the mobile home under chapter 28A.45 RCW and any other taxes due under chapter 84.52 RCW have been paid.

A copy of the real estate excise tax affidavit which has been stamped by the county treasurer shall be deemed sufficient evidence that the taxes due upon the sale of a used mobile home have been paid.

A copy of a treasurer certificate, which is prepared by the treasurer of the county in which the used mobile home is located and which states that all property taxes due upon the used mobile home being sold have been satisfied, shall be deemed sufficient evidence that the property taxes due have been paid.

Sec. 6. Section 1, chapter 12, Laws of 1979 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 RCW: PROVIDED, That the exemption provided by this paragraph shall not be construed as providing any exemption from the tax imposed by chapter 82.12 RCW;

(2) Sales made by persons in the course of business activities with respect to which tax liability is specifically imposed under chapter 82.16 RCW, 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 RCW: 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 RCW;

(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 RCW;

(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)~~) licensing pursuant to the provisions of RCW (~~(46.16.100)~~) 46.16.160;

(13) Sales of motor vehicles (~~(and)~~), trailers, or campers 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, or campers 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)~~) licensing pursuant to the provisions of RCW (~~(46.16.100)~~) 46.16.160, or (b) said motor vehicles (~~(and)~~), trailers, or campers 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, including sales to the state or a political subdivision or municipal corporation thereof of drugs to be dispensed to patients by prescription without charge. 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 ordered by (a) the written prescription to a pharmacist by a practitioner authorized by law of this state or laws of another jurisdiction to issue prescriptions, or (b) upon an oral prescription of such practitioner which is reduced promptly to writing and filed by a duly licensed pharmacist, or (c) by refilling any such written or oral prescription if such refilling is authorized by the prescriber either in the original prescription or by oral order which is reduced promptly to writing and filed by the pharmacist, or (d) physicians or optometrists by way of written directions and specifications for the preparation, grinding, and fabrication of lenses intended to aid or correct visual defects or anomalies of humans.

(29) Sales of returnable containers for beverages and foods, including but not limited to soft drinks, milk, beer, and mixers.

(30) Sales of insulin, prosthetic devices, and medically prescribed oxygen.

(31) 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, coffee and coffee substitutes, tea, cocoa and cocoa products.

"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.

(32) Sales of ferry vessels to the state of Washington or to a local governmental unit in the state of Washington for use in transporting pedestrians, vehicles, and goods within or outside the territorial waters of the state; also sales of tangible personal property which becomes a component part of such ferry vessels; also sales of or charges made for labor and services rendered in respect to constructing or improving such ferry vessels.

Sec. 7. Section 2, chapter 12, Laws of 1979 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 RCW 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 RCW 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 RCW;

(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)~~) licensing pursuant to RCW (~~(46.16.100)~~) 46.16.160 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 RCW: 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)~~) licensing 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 regional universities, The Evergreen State College 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 RCW or chapter 82.12 RCW;

(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, including the use by the state or a political subdivision or municipal corporation thereof of drugs to be dispensed to patients by prescription without charge. 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 ordered by (a) the written prescription to a pharmacist by a practitioner authorized by law of this state or laws of another jurisdiction to issue prescriptions, or (b) upon an oral prescription of such practitioner which is reduced promptly to writing and filed by a duly licensed pharmacist, or (c) by refilling any such written or oral prescription if such refilling is authorized by the prescriber either in the original prescription or by oral order which is reduced promptly to writing and filed by the pharmacist, or (d) physicians or optometrists by way of written directions and specifications for the preparation, grinding, and fabrication of lenses intended to aid or correct visual defects or anomalies of humans.

(24) In respect to the use of returnable containers for beverages and foods, including but not limited to soft drinks, milk, beer, and mixers.

(25) In respect to the use of insulin, prosthetic devices, and medically prescribed oxygen.

(26) 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, coffee and coffee substitutes, tea, cocoa and cocoa products.

"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.

(27) In respect to the use of ferry vessels of the state of Washington or of local governmental units in the state of Washington in transporting pedestrian or vehicular traffic within and outside the territorial waters of the state and in respect to the use of tangible personal property which becomes a component part of any such ferry vessel.

NEW SECTION. Sec. 8. There is added to chapter 82.04 RCW a new section to read as follows:

This chapter does not apply to any county as defined in Title 36 RCW, any city or town as defined in Title 35 RCW, any school district or educational service district as defined in Title 28A RCW, or any library or library district as defined in Title 27 RCW, in respect to materials printed in the county, city, town, school district, educational district, library or library district facilities when the materials are used solely for county, city, town, school district, educational district, library, or library district purposes.

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 June 1, 1979.

Passed the House June 1, 1979.

Approved by the Governor June 25, 1979.

Filed in Office of Secretary of State June 25, 1979.

CHAPTER 267

[House Bill No. 433]

WATER POLLUTION CONTROL—FEDERAL COMPLIANCE

AN ACT Relating to water pollution control; and amending section 24, chapter 13, Laws of 1967 as amended by section 4, chapter 155, Laws of 1973 and RCW 90.48.260.

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

Section 1. Section 24, chapter 13, Laws of 1967 as amended by section 4, chapter 155, Laws of 1973 and RCW 90.48.260 are each amended to read as follows:

The department of ecology is hereby designated as the State Water Pollution Control Agency for all purposes of the Federal Water Pollution Control Act as ~~((it now exists))~~ amended and is hereby authorized to participate fully in the programs of the act as well as to take all action necessary to secure to the state the benefits and to meet the requirements of that act. The powers granted herein include, among others, and notwithstanding any other provisions of chapter 90.48 RCW or otherwise, the following:

(1) Complete authority to establish and administer a comprehensive state point source waste discharge or pollution discharge elimination permit program which will enable the department to qualify for full participation in any national waste discharge or pollution discharge elimination permit system and will allow the department to be the sole agency issuing permits required by such national system operating in the state of Washington subject to the provisions of RCW 90.48.262(2). Program elements authorized herein may include, but are not limited to: (a) Effluent treatment and limitation requirements together with timing requirements related thereto; (b) applicable receiving water quality standards requirements; (c) requirements of standards of performance for new sources; (d) pretreatment requirements; (e) termination and modification of permits for cause; (f) requirements for public notices and opportunities for public hearings; (g) appropriate relationships with the secretary of the army in the administration of his responsibilities which relate to anchorage and navigation, with the administrator of the environmental protection agency in the performance of his duties, and with other governmental officials under the Federal Water Pollution Control Act; (h) requirements for inspection, monitoring, entry, and reporting; (i) enforcement of the program through penalties, emergency powers, and criminal sanctions; (j) a continuing planning process; and (k) user charges.

(2) The power to establish and administer state programs in a manner which will insure the procurement of moneys, whether in the form of grants, loans, or otherwise; to assist in the construction, operation, and maintenance of various water pollution control facilities and works; and the administering

of various state water pollution control management, regulatory, and enforcement programs.

(3) The power to develop and implement appropriate programs pertaining to continuing planning processes, area-wide waste treatment management plans, and basin planning.

The governor shall have authority to perform those actions required of him or her by the Federal Water Pollution Control Act.

***The enactment of this 1979 act does not extend the eligibility for or increase the amount of exemptions or credits available under chapter 82.34 RCW: PROVIDED, That this amendatory provision relating to tax exemptions or credits shall not apply to any facility eligible for a certificate as described in RCW 82.34.010 (5).**

*Section 1 was partially vetoed, see message at end of chapter.

Passed the House June 1, 1979.

Passed the Senate June 1, 1979.

Approved by the Governor June 25, 1979, with the exception of the last two sentences of Subsection (3) of Section 1 which are vetoed.

Filed in Office of Secretary of State June 25, 1979.

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

"I am returning herewith without my approval as to the two last sentences in Subsection (3) Section 1 of House Bill 433 entitled:

"AN ACT Relating to water pollution control; amending section 24, Chapter 13, Laws of 1967 as amended by section 4, Chapter 155, Laws of 1973 and RCW 90.48.260."

House Bill 433 was and is for the single purpose of authorizing the department of ecology to participate in the Federal Water Pollution Control Act as "amended"; this single word, plus an added "or her" in line 23, is all that was deemed necessary to allow the state to carry out the dictates of the federal law. The addition of your two sentences:

"The enactment of this 1979 act does not extend the eligibility for or increase the amount of exemptions or credits available under chapter 82.34 RCW: PROVIDED, That this amendatory provision relating to tax exemptions or credits shall not apply to any facility eligible for a certificate as described in RCW 82.34.010 (5).",

do nothing to further this authorization and in fact involves an entirely different subject. The inclusion of these sentences may also be construed to amend a separate law by reference, clearly which is prohibited by the state's constitution.

I veto this part not because I'm not in sympathy with the legislature in what your intentions were but simply because I feel these provisions introduce separate subjects that are inconsistent with the purpose of the bill and that if allowed to become law will surely lead to much misinterpretation and possible litigation.

With the exception of the last two sentences of Subsection (3) of Section 1, which I have vetoed, the remainder of House Bill 433 is approved."

CHAPTER 268

[Second Substitute House Bill No. 527]

EMERGENCY SERVICES—SEARCH AND RESCUE ACTIVITIES

AN ACT Relating to emergency services; amending section 3, chapter 178, Laws of 1951 as last amended by section 1, chapter 113, Laws of 1975 1st ex. sess. and RCW 38.52.010; amending section 2, chapter 178, Laws of 1951 as last amended by section 2, chapter 113, Laws of 1975 1st ex. sess. and RCW 38.52.020; amending section 17, chapter 223, Laws of 1953 as last amended by section 35, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.330; adding new sections to chapter 38.52 RCW; and making an appropriation.

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

Section 1. Section 3, chapter 178, Laws of 1951 as last amended by section 1, chapter 113, Laws of 1975 1st ex. sess. and RCW 38.52.010 are each amended to read as follows:

As used in this chapter:

(1) "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, and to aid victims suffering from 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 emergency services" means an organization created in accordance with the provisions of this chapter by state or local authority to perform local emergency services functions.

(3) "Mobile support unit" means an organization for 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 emergency services in stricken areas.

(4) "Political subdivision" means any county, city or town.

(5) "Emergency services worker" means any person who is registered with a state or local emergency services organization and holds an identification card issued by the state or local emergency services director for the purpose of engaging in authorized emergency services or is an employee of the state of Washington or any political subdivision thereof who is called upon to perform emergency services.

(6) "Injury" as used in this chapter shall mean and include accidental injuries and/or occupational diseases arising out of emergency services.

(7) "Disaster" as used in this chapter shall mean events, arising out of either enemy attack, sabotage, or other hostile action, or natural causes,

which reach such a dimension or degree of destructiveness as to warrant the governor declaring a state of emergency pursuant to RCW 43.06.010.

(8) "Search and rescue" means the acts of searching for, rescuing, or recovering by means of ground, marine, or air activity any person who becomes lost, injured, or is killed while outdoors or as a result of a natural or man-made disaster, including instances involving searches for downed aircraft when ground personnel are used. Nothing in this section shall affect appropriate activity by the department of transportation under chapter 47-.68 RCW.

Sec. 2. Section 2, chapter 178, Laws of 1951 as last amended by section 2, chapter 113, Laws of 1975 1st ex. sess. 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, to insure the administration of state and federal programs providing disaster relief to individuals, 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 department of emergency services, and to authorize the creation of local organizations for 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 emergency services functions; ~~((and))~~

(d) To provide a means of compensating emergency services workers who may suffer any injury, as herein defined, or death; who suffer economic harm including personal property damage or loss; or who incur expenses for transportation, telephone or other methods of communication, and the use of personal supplies as a result of participation in emergency services; and

(e) To provide programs, with intergovernmental cooperation, to educate and train the public to be prepared for emergencies.

(2) It is further declared to be the purpose of this chapter and the policy of the state that all 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. 3. Section 17, chapter 223, Laws of 1953 as last amended by section 35, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.330 are each amended to read as follows:

The department of 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 emergency services workers and their dependents; to adjust and dispose of all claims submitted by a local compensation board(~~(:PROVIDED, That)~~). When medical treatment is necessary, the department of emergency services is authorized to make medical and compensation payments on an interim basis. Nothing herein shall be construed to mean that the department of emergency services or the state 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 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.

NEW SECTION. Sec. 4. There is added to chapter 38.52 RCW a new section to read as follows:

(1) The chief law enforcement officer of each political subdivision shall be responsible for local search and rescue activities. Operation of search and rescue activities shall be in accordance with state and local operations plans adopted by the elected governing body of each local political subdivision. The local emergency services director shall notify the state department of emergency services of all search and rescue missions. The local director of emergency services shall work in a coordinating capacity directly supporting all search and rescue activities in that political subdivision and in registering emergency services search and rescue workers for employee status under RCW 38.52.060. The chief law enforcement officer of each political subdivision may restrict access to a specific search and rescue area to personnel authorized by him. Access shall be restricted only for the period of time necessary to accomplish the search and rescue mission. No unauthorized person shall interfere with a search and rescue mission.

(2) When search and rescue activities result in the discovery of a deceased person or search and rescue workers assist in the recovery of human remains, the chief law enforcement officer of the political subdivision shall insure compliance with chapter 68.08 RCW.

NEW SECTION. Sec. 5. There is added to chapter 38.52 RCW a new section to read as follows:

Funds received by the department of emergency services specifically for the purposes of compensating search and rescue volunteers shall be distributed by the director of emergency services to help fund medical and compensation coverage provided by this chapter and provide reimbursement by the state for: (1) Costs involved in extraordinary search and rescue operations such as search and rescue operations lasting over twenty-four hours where food and lodging for workers is necessary; (2) excessive transportation and rescue costs incurred by out-of-county residents which would not be otherwise collectible; and (3) compensation as provided in RCW 38.52.020(1)(d) as now or hereafter amended.

NEW SECTION. Sec. 6. To carry out the purposes of this 1979 act, there is appropriated from the general fund to the department of emergency services the sum of fifty-five thousand dollars. In any fiscal year, the director of emergency services shall not give any of the funds appropriated in this section to any political subdivision which has reduced its operating budget expenditures for search and rescue operations to less than the amount budgeted and expended for the same purpose in the preceding fiscal year.

Passed the House June 1, 1979.

Passed the Senate May 30, 1979.

Approved by the Governor June 25, 1979.

Filed in Office of Secretary of State June 25, 1979.

CHAPTER 269

[House Bill No. 845]

INSURANCE AGENTS—LICENSES—BROKERS. BOND

AN ACT Relating to insurance; amending section .14.01, chapter 79, Laws of 1947 as last amended by section 1, chapter 182, Laws of 1977 ex. sess. and RCW 48.14.010; amending section .17.16, chapter 79, Laws of 1947 as last amended by section 20, chapter 150, Laws of 1967 and RCW 48.17.160; amending section .17.17, chapter 79, Laws of 1947 and RCW 48.17.170; amending section .17.18, chapter 79, Laws of 1947 and RCW 48.17.180; amending section .17.20, chapter 79, Laws of 1947 as amended by section 14, chapter 303, Laws of 1955 and RCW 48.17.200; amending section .17.50, chapter 79, Laws of 1947 as last amended by section 6, chapter 182, Laws of 1977 ex. sess. and RCW 48.17.500; amending section .17.15, chapter 79, Laws of 1947 as last amended by section 47, chapter 292, Laws of 1971 ex. sess. and RCW 48.17.150; amending section 17.25, chapter 79, Laws of 1947 and RCW 48.17.250; repealing section .17.40, chapter 79, Laws of 1947 and RCW 48.17.400; and providing an effective date.

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

Section 1. Section .14.01, chapter 79, Laws of 1947 as last amended by section 1, chapter 182, Laws of 1977 ex. sess. and RCW 48.14.010 are each amended to read as follows:

(1) The commissioner shall collect in advance the following fees:

- (A) FOR FILING CHARTER DOCUMENTS:
 - (i) Original charter documents, bylaws or record of organization of insurers, or certified copies thereof, required to be filed..... \$250.00
 - (ii) Amended charter documents, or certified copy thereof, other than amendments of bylaws \$ 10.00
 - (iii) No additional charge or fee shall be required for filing any of such documents in the office of the secretary of state.
- (B) CERTIFICATE OF AUTHORITY:
 - (i) Issuance \$ 25.00
 - (ii) Renewal \$ 25.00
- (C) ANNUAL STATEMENT OF INSURER, FILING \$ 20.00
- (D) ORGANIZATION OR FINANCING OF DOMESTIC INSURERS AND AFFILIATED CORPORATIONS:
 - (i) Application for solicitation permit, filing \$100.00
 - (ii) Issuance of solicitation permit \$ 25.00
- (E) AGENTS' LICENSES:
 - (i) Agent's qualification licenses (~~for life, or disability insurance, only, or both for same insurer,)~~ each year \$ ~~((+10.00))~~25.00
 - (ii) ~~((Agent's license for other kind or kinds of insurance, each year \$ 25.00))~~
 Filing of appointment of each such agent, each year \$ 10.00
 - (iii) Limited license issued pursuant to RCW 48.17.190, each year \$ 10.00
 - ~~((iv) Temporary license as agent \$ 10.00))~~
- (F) BROKERS' LICENSES:
 - (i) Resident or nonresident broker, each year \$ 50.00
 - (ii) Surplus line broker, ~~((twelve-month period))~~ each year \$100.00
 - ~~((iii) Temporary license as broker \$ 50.00))~~
- (G) SOLICITORS' LICENSE, EACH YEAR \$ 10.00
- (H) ADJUSTERS' LICENSES:
 - (i) Independent adjuster, each year \$ 25.00
 - (ii) Public adjuster, each year \$ 25.00

- (I) RESIDENT GENERAL AGENT'S LI-
CENSE, EACH YEAR \$ 25.00
- (J) EXAMINATION FOR LICENSE, EACH
EXAMINATION:
 - (i) Filing application for first examination
for license \$ 5.00
 - (ii) Resident or nonresident broker's license \$ 50.00
 - (iii) All other examinations \$ 10.00
- (K) MISCELLANEOUS SERVICES:
 - (i) Filing other documents \$ 5.00
 - (ii) Commissioner's certificate under seal \$ 5.00
 - (iii) Copy of documents filed in the com-
missioner's office, reasonable charge
therefor as determined by the
commissioner.

(2) All fees so collected shall be remitted by the commissioner to the state treasurer not later than the first business day following, and shall be placed to the credit of the general fund.

Sec. 2. Section .17.16, chapter 79, Laws of 1947 as last amended by section 20, chapter 150, Laws of 1967 and RCW 48.17.160 are each amended to read as follows:

(1) Each insurer on appointing an agent in this state shall file written notice thereof (~~((in duplicate))~~) with the commissioner on forms as prescribed and furnished by (~~((him))~~) the commissioner, and shall pay the filing fee therefor as provided in RCW 48.14.010. (~~((If then licensed, or as soon as li-
censed;))~~) The commissioner shall ((mail one copy of)) return the appointment ((to the)) of agent form to the insurer for distribution to the agent. The commissioner may adopt regulations establishing alternative appointment procedures for individuals within licensed firms or corporations who are empowered to exercise the authority conferred by the firm or corporate license.

(2) Each (~~((such))~~) appointment shall (~~((continue in force until:~~

~~((a) The commissioner notifies the insurer that the person so appointed is no longer licensed as an agent by this state, or~~

~~((b)) be effective until the agent's license expires or is revoked, the ap-
pointment has expired, or written notice of termination of the appointment
is filed with the commissioner, whichever occurs first.~~

(3) When the appointment is revoked by the insurer ((by)), written no-
tice of such revocation shall be given to the agent((~~- The insurer shall
forthwith file a duplicate copy of such notice of revocation with the com-
missioner. No fee shall be charged for filing such copy.~~

(3)) and a copy of the notice of revocation shall be mailed to the
commissioner.

(4) Revocation of an appointment by the insurer shall be deemed to be effective as of the date designated in the notice as being the effective date if the notice is actually received by the agent prior to such designated date; otherwise, as of the earlier of the following dates:

(a) The date such notice of revocation was received by the agent.

(b) The date such notice, if mailed to the agent at his last address of record with the insurer, in due course should have been received by the agent.

(5) Appointments shall be for one year and shall expire if not timely renewed. Each insurer shall annually pay the renewal fee set forth for each agent holding an appointment on the annual renewal date assigned the agents of the insurer by the commissioner. The commissioner, by rule, shall determine renewal dates. If a staggered system is used, fees shall be prorated in the conversion to a staggered system.

Sec. 3. Section .17.17, chapter 79, Laws of 1947 and RCW 48.17.170 are each amended to read as follows:

~~((+))~~ Agents', solicitors', adjusters' and brokers' licenses shall be in the form ~~((as the commissioner prescribes, and shall set forth:~~

~~(a) The name and address of the licensee; or if he is required to have a place of business, the address of the place of business;~~

~~(b) if the agent or broker is a firm or corporation, the name of each individual authorized to exercise the powers conferred by the license;~~

~~(c) the kind or kinds of insurance the licensee is thereby licensed to handle;~~

~~(d) if an agent's license for life or disability insurances only, the name of the insurer as to which he is so licensed, and a separate license shall be required as to each such insurer;~~

~~(e) if a solicitor's license, the name and address of the agent or broker represented by the solicitor;~~

~~(f) the conditions under which the license is granted;~~

~~(g) the date of issuance and date of expiration of the license.~~

~~(2) The commissioner is not required to issue a separate license to each agent licensed for life or disability insurances only. In lieu thereof he may issue to the insurer his license certificate setting forth the names and addresses of the insurer's agents so licensed in this state. Each such license certificate shall be serially numbered and shall constitute official evidence of the licensing of each licensee designated therein. Any such insurer may furnish its agents so licensed with evidence of authority to represent the insurer, upon such form as is submitted to and approved)) and contain the essential information prescribed by the commissioner.~~

Sec. 4. Section .17.18, chapter 79, Laws of 1947 and RCW 48.17.180 are each amended to read as follows:

(1) A firm or corporation shall not be licensed as an agent, adjuster, or broker unless each individual ~~((to-be))~~ empowered ~~((and designated in the~~

~~license)) to exercise the ((powers)) authority conferred ((thereby is qualified as though he were the sole individual to be so empowered)) by the corporate or firm license is also licensed. A nonresident of this state shall not be so designated or empowered. Exercise or attempted exercise of ~~((such))~~ the powers of the firm or corporation by an ~~((individual not so designated))~~ unlicensed person, with the knowledge or consent of the ~~((licensee))~~ firm or corporation, shall constitute cause for the revocation or suspension of the license.~~

(2) Licenses shall be issued in a trade name only upon proof satisfactory to the commissioner that the trade name has been lawfully registered.

Sec. 5. Section .17.20, chapter 79, Laws of 1947 as amended by section 14, chapter 303, Laws of 1955 and RCW 48.17.200 are each amended to read as follows:

~~((1)) An agent ((appointed by an insurer for life insurance, or for life and disability insurances, or for disability insurance only, shall be separately licensed as to such insurer:~~

~~(2) An agent is required to have but one license inclusive of all other kinds or combination of kinds of insurance he is licensed to handle, regardless of the number of insurers for whom he is appointed as agent for such insurances or any of them:~~

~~(3) An agent or broker shall have separate and additional license or licenses as to each office location in excess of one, maintained by him in this state for the transaction of business as such agent or broker)) is required to have but one license regardless of the number of appointments by insurers the agent may have.~~

Sec. 6. Section .17.50, chapter 79, Laws of 1947 as last amended by section 6, chapter 182, Laws of 1977 ex. sess. and RCW 48.17.500 are each amended to read as follows:

~~(1) ((Agents' license for life, or life and disability, or disability insurances only shall expire as at 12:01 a.m. o'clock on the first day of October next following date of issuance)) All agents' licenses issued by the commissioner shall be valid for the time period established by the commissioner unless:~~

~~(a) Suspended or revoked; or~~

~~(b) The licensee ceases to hold a valid appointment by an insurer.~~

~~(2) All brokers', solicitors', and adjusters' licenses shall ((expire as at 12:01 a.m. o'clock on the first day of April next following date of issuance)) be valid for the time period established by the commissioner unless suspended or revoked at an earlier date.~~

~~(3) ((Agents' licenses for all other kinds of insurance or combinations thereof shall expire as at 12:01 a.m. o'clock on the first day of April three years after the first day of April nearest to the date of issuance of the license: PROVIDED, That any such license issued or renewed to be effective on or after July 1, 1977, shall expire as at 12:01 a.m. o'clock on the first~~

~~day of April next following date of issuance or renewal))~~ The commissioner, by rule, shall determine renewal dates for licenses of all agents, brokers, solicitors, and adjusters. If a staggered system is used, fees shall be prorated in the conversion to a staggered system.

(4) ~~((Except as provided in subsection (3) of this section and))~~ Subject to the right of the commissioner to suspend, revoke, or refuse to renew any agent's, broker's, solicitor's, or adjuster's license as provided in this code, any such license may be renewed into another like period by filing with the commissioner on or before the expiration date a written request, by or on behalf of the licensee, for such renewal accompanied by payment of the renewal fee as specified in RCW 48.14.010. An agent or broker shall make and file renewal requests on behalf of his solicitors.

~~((5))~~ If the request and fee for renewal of an agent's, broker's, solicitor's, or adjuster's license is filed with the commissioner prior to expiration of the existing license, the licensee may continue to act under such license, unless sooner revoked or suspended, until the issuance of a renewal license or until the expiration of fifteen days after the commissioner has refused to renew the license and has mailed order of such refusal to the licensee. Any request for renewal not so filed until after date of expiration may be considered by the commissioner as an application for a new license.

~~((6))~~ (5) As to all licenses, if request for renewal of an agent's license or appointment or broker's, solicitor's, or adjuster's license or payment of the ((license)) fee is not received by the commissioner prior to the expiration date as required under subsection (4) of this section, the insurer or applicant for renewal ((of license)) shall pay to the commissioner and the commissioner shall collect, in addition to the regular ((license)) fee, a surcharge ((for such license)) as follows: For the first thirty days or part thereof of delinquency the surcharge shall be fifty percent of the ((license)) fee; for all delinquencies extending more than thirty days, the surcharge shall be one hundred percent of the ((license)) fee. This subsection shall not be deemed to exempt any person from any penalty provided by law for transacting business without a valid and subsisting license or appointment, or affect the commissioner's right, at his discretion, to consider such delinquent application as one for a new license or appointment.

Sec. 7. Section .17.15, chapter 79, Laws of 1947 as last amended by section 47, chapter 292, Laws of 1971 ex. sess. and RCW 48.17.150 are each amended to read as follows:

(1) To qualify for an agent's or broker's license an applicant must otherwise comply with this code therefor and must

(a) be eighteen years of age or over, if an individual;

(b) be a bona fide resident of and actually reside in this state, or if a corporation, be other than an insurer and maintain a lawfully established place of business in this state, except as provided in RCW 48.17.330;

(c) be empowered to be an agent or broker, as the case may be, under its members' agreement, if a firm, or by its articles of incorporation, if a corporation;

(d) complete such minimum educational requirements for the issuance of an agent's license for the kinds of insurance specified in RCW 48.17.210 as may be required by regulation issued by the commissioner;

(e) successfully pass any examination as required under RCW 48.17.110;

~~((f))~~ (f) be a trustworthy person;

~~((g))~~ (g) not intend to use or use the license for the purpose principally of writing controlled business, as defined in RCW 48.17.080;

~~((h))~~ (h) if for an agent's license, be appointed as its agent by one or more authorized insurers, subject to issuance of the license; and

~~((i))~~ (i) if for broker's license, have had at least two years experience either as an agent, solicitor, adjuster, general agent, broker, or as an employee of insurers or representatives of insurers, and special education or training of sufficient duration and extent reasonably to satisfy the commissioner that he possesses the competence necessary to fulfill the responsibilities of broker.

(2) The commissioner shall by regulation establish minimum continuing education requirements for the renewal or reissuance of a license to an agent or a broker: PROVIDED, That the commissioner shall require that continuing education courses will be made available on a state-wide basis in order to ensure that persons residing in all geographical areas of this state will have a reasonable opportunity to attend such courses. The continuing education requirements shall be appropriate to the license for the kinds of insurance specified in RCW 48.17.210: PROVIDED FURTHER, That the continuing education requirements may be waived by the commissioner for good cause shown.

(3) If the commissioner finds that the applicant is so qualified and that the license fee has been paid, he shall issue the license. Otherwise, the commissioner shall refuse to issue the license.

Sec. 8. Section .17.25, chapter 79, Laws of 1947 as amended by section 4, chapter 182, Laws of 1977 ex. sess. and RCW 48.17.250 are each amended to read as follows:

(1) Every applicant for a broker's license or for the renewal of a broker's license existing on the effective date of this code shall file with the application or request for renewal and shall thereafter maintain in force while so licensed a bond in favor of the people of the state of Washington, executed by an authorized corporate surety approved by the commissioner, in the amount of twenty thousand dollars. If the applicant is a firm or corporation, the bond shall be in the amount of twenty thousand dollars plus five thousand dollars for the second and five thousand dollars for each additional individual empowered and designated in the license to exercise the powers

conferred thereby. The bond may be continuous in form, and total aggregate liability on the bond may be limited to the (~~payments of twenty thousand dollars~~) required amount of the bond. The bond shall be contingent on the accounting by the broker to any person requesting the broker to obtain insurance, for moneys or premiums collected in connection therewith.

(2) Any such bond shall remain in force until the surety is released from liability by the commissioner, or until the bond is canceled by the surety. Without prejudice to any liability accrued prior to such cancellation, the surety may cancel the bond upon thirty days advance notice in writing filed with the commissioner.

NEW SECTION. Sec. 9. Section .17.40, chapter 79, Laws of 1947 and RCW 48.17.400 are each repealed.

NEW SECTION. Sec. 10. This act shall take effect on April 1, 1980. The insurance commissioner is authorized to immediately take such steps as are necessary to insure that this 1979 act is implemented on its effective date.

Passed the House June 1, 1979.
Passed the Senate May 31, 1979.
Approved by the Governor June 25, 1979.
Filed in Office of Secretary of State June 25, 1979.

CHAPTER 270
[House Bill No. 516]
BUDGET—OPERATING AND CAPITAL

AN ACT Adopting the budget; making appropriations and authorizing expenditures for the operations of state agencies for the fiscal biennium beginning July 1, 1979, and ending June 30, 1981; making appropriations and authorizing expenditures for capital improvements; authorizing certain projects; designating effective dates for certain appropriations; providing an effective date; and declaring an emergency.

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

NEW SECTION. Section 1. A budget is hereby adopted and, subject to the provisions set forth in the following sections, the several amounts specified in the following sections, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated, reappropriated, and authorized to be disbursed for salaries, wages, capital projects, and other expenses of the agencies and offices of the state and for other specified purposes for the fiscal biennium beginning July 1, 1979, and ending June 30, 1981, except as otherwise provided, out of the several funds of the state hereinafter named.

NEW SECTION. Sec. 2. FOR THE HOUSE OF REPRESENTATIVES

General Fund Appropriation \$ 16,728,000

The appropriation contained in this section shall be subject to the following conditions and limitations:

- (1) \$8,000 shall be for the house ethics committee.
- (2) \$8,000 shall be for western forest practices task force.
- (3) \$37,000 shall be for dues of the national conference of state legislatures.
- (4) \$42,000 shall be for dues of the council of state governments.

NEW SECTION. Sec. 3. FOR THE SENATE

General Fund Appropriation \$ 14,300,000

The appropriation contained in this section shall be subject to the following conditions and limitations:

- (1) \$8,000 shall be for the senate ethics committee.
- (2) \$8,000 shall be for western forest practices task force.
- (3) \$37,000 shall be for dues of the national conference of state legislatures.
- (4) \$42,000 shall be for dues of the council of state governments.

NEW SECTION. Sec. 4. FOR THE LEGISLATIVE BUDGET COMMITTEE

General Fund Appropriation \$ 1,247,000

The appropriation contained in this section shall be subject to the following condition or limitation: Not more than \$70,000 shall be expended for the specific purpose of conducting a management survey, program review, and/or a performance audit, as defined in RCW 44.28.085 and 44.28.086, of the Washington public power supply system and any other joint operating agencies established pursuant to chapter 43.52 RCW.

NEW SECTION. Sec. 5. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

General Fund Appropriation \$ 1,295,000

NEW SECTION. Sec. 6. FOR THE OFFICE OF THE STATE ACTUARY

General Fund Appropriation \$ 301,000

NEW SECTION. Sec. 7. FOR THE STATUTE LAW COMMITTEE

General Fund Appropriation \$ 3,626,000

NEW SECTION. Sec. 8. FOR THE SUPREME COURT

General Fund Appropriation \$ 5,306,000

The appropriation contained in this section shall be subject to the following condition or limitation: Not more than \$1,568,000 shall be expended for indigent appeal cases.

NEW SECTION. Sec. 9. FOR THE LAW LIBRARY

General Fund Appropriation \$ 1,386,000

The appropriation contained in this section shall be subject to the following condition or limitation: All nonstate agency users of the WestLaw system shall be charged a service fee sufficient to cover the costs of their usage.

NEW SECTION. Sec. 10. FOR THE COURT OF APPEALS

General Fund Appropriation \$ 6,130,000

The appropriation contained in this section shall be subject to the following condition or limitation: Not more than \$328,000 shall be expended for costs associated with a long-term lease for the division I court.

NEW SECTION. Sec. 11. FOR THE ADMINISTRATOR FOR THE COURTS

General Fund Appropriation \$ 10,313,000

The appropriation contained in this section shall be subject to the following conditions and limitations:

(1) Not more than \$106,000 shall be expended for judges pro tem for the superior courts and the administrator for the courts shall authorize and approve all such expenditures.

(2) \$5,635,000 shall be for superior court judges.

(3) Not more than \$100,000 shall be expended for criminal cost bills, including prior claims.

(4) The administrator for the courts together with the county and city users of the judicial information system shall prepare a report delineating a feasible plan to convert funding of the judicial information system to a user fee schedule. Such report shall be presented to the senate ways and means committee and the house appropriations committee by January 1, 1981.

NEW SECTION. Sec. 12. FOR THE JUDICIAL COUNCIL

General Fund Appropriation \$ 225,000

NEW SECTION. Sec. 13. FOR THE OFFICE OF THE GOVERNOR

General Fund Appropriation \$ 2,704,000

The appropriation contained in this section shall be subject to the following conditions and limitations:

(1) Not more than \$2,392,000 shall be used for executive operations.

(2) Not more than \$20,000 shall be used for investigations and emergency purposes.

(3) Not more than \$184,000 shall be used for extradition expenses to carry out the provisions of RCW 10.34.030 providing for the return of fugitives by the governor, including prior claims and for extradition-related legal services as determined by the attorney general.

(4) Not more than \$108,000 shall be used for mansion maintenance.

NEW SECTION. Sec. 14. FOR THE GOVERNOR—SPECIAL APPROPRIATIONS

General Fund Appropriation—State	\$	176,404,000
General Fund Appropriation—Federal	\$	24,060,000
Special Fund Salary and Insurance Contribution Increase Revolving Fund Appropriation	\$	61,265,000
Total Appropriation	\$	261,729,000

The appropriations contained in this section, or so much thereof as may be necessary, shall be expended exclusively for the purposes designated herein and shall be subject to the following conditions and limitations:

(1) \$1,800,000 shall be for the governor's emergency fund to be allocated for the carrying out of the critically necessary work of any agency, of which not more than \$700,000 may be allocated by the governor for surveys and installations.

(2) It is the intent of the legislature to comply with the Presidential guidelines on compensation. To this end:

(a) Not more than \$82,916,000 of general fund moneys (including \$21,837,000 in federal funds) shall be expended to effect salary increases for state classified employees and for state employees exempt from the classified service. Not more than \$30,945,000 of this amount (including \$8,150,000 in federal funds) shall be expended to effect, beginning July 1, 1979, an average 5.0% salary increase for these employees. Not more than \$36,397,000 of this amount (including \$9,586,000 in federal funds) shall be expended to implement the salary ranges adopted by the state personnel board from the 1978 salary survey for state classified employees and to effect comparable salary increases for state employees exempt from the classified service. These adjustments shall take effect beginning October 1, 1979. Not more than \$15,574,000 of this amount (including \$4,101,000 in federal funds) shall be expended to effect, beginning October 1, 1980, an average 6.0% salary increase for these employees.

(b) Not more than \$36,924,000 of general fund moneys shall be expended to effect salary increases for state higher education classified employees excluding student employees not under the jurisdiction of the state personnel board or the higher education personnel board. Not more than \$11,649,000 of this amount shall be expended to effect, beginning July 1, 1979, an average of 5.0% salary increase for these employees. Not more than \$19,269,000 of this amount shall be expended to implement the salary ranges adopted by the higher education personnel board from the 1978 salary survey. These adjustments shall take effect beginning October 1, 1979. Not more than \$6,006,000 of this amount shall be expended to effect, beginning October 1, 1980, an average of 6.0% salary increase for these employees.

(c) Not more than \$63,194,000 of general fund moneys shall be expended to effect salary increases including increments or their equivalents for faculty and administrative exempt employees of the four-year units of

higher education and community colleges. Not more than \$24,990,000 of this amount shall be expended to effect a 5.0% increase for faculty and administrative exempt employees effective September 1, 1979. Not more than \$25,720,000 of this amount shall be expended to effect an average 5.6% increase for faculty and administrative exempt employees, effective October 1, 1979. Not more than \$12,484,000 of this amount shall be expended to effect an average 6.0% salary increase for faculty and administrative exempt employees effective October 1, 1980. Notwithstanding any other provision of this subsection (c), a portion of each institution's other budgeted funds may be expended to fund additional actual increments or their equivalents in an amount not more than 1 and 1/2% of their respective average salary levels for each year of the biennium and no institution may grant from any fund source whatsoever any salary increase greater than that provided in this act for faculty and exempt employees.

(d) Not more than \$229,000 of general fund moneys shall be expended to effect salary increases for commissioned officers of the Washington State Patrol. Not more than \$88,000 of this amount shall be expended to effect, beginning July 1, 1979, an average 5.0% salary increase. Not more than \$97,000 of this amount shall be expended to effect, beginning October 1, 1979, an average of 6.0% salary increase. Not more than \$44,000 of this amount shall be expended to effect, beginning October 1, 1980, an average of 6.0% salary increase: PROVIDED, That no additional salary increases may be granted from any fund source greater than those authorized by this act.

(e) Not more than \$15,401,000 of general fund moneys (including \$2,223,000 in federal funds) shall be expended to effect increases in the state's maximum contribution for employee insurance benefits. Not more than \$11,000,000 of this amount (including \$1,588,000 in federal funds) shall be expended to effect, beginning July 1, 1979, an increase in the state's maximum contribution for employee insurance benefits from \$72.50 per month to \$85.00 per month per eligible employee. Not more than \$4,401,000 of this amount (including \$635,000 in federal funds) shall be expended to effect, beginning July 1, 1980, an increase in the state's maximum contribution for employee insurance benefits from \$85.00 per month to \$95.00 per month per eligible employee.

(f) Not more than \$56,688,000 of special fund salary and insurance contribution increase revolving fund moneys shall be expended to effect salary increases for state classified employees, state employees exempt from the classified service, higher education classified employees, higher education faculty, higher education exempt employees, and commissioned members of the Washington State Patrol.

Increases for state classified employees and for state employees exempt from the classified service shall be calculated in accordance with the procedures outlined in subsection (2)(a) of this section. Increases for higher education classified employees shall be calculated in accordance with the procedures outlined in subsection (2)(b) of this section. Increases for higher education faculty and higher education exempt employees shall be calculated in accordance with the procedures outlined in subsection (2)(c) of this section. Increases for the commissioned officers of the Washington State Patrol shall be calculated in accordance with the procedures outlined in subsection (2)(d) of this section.

(g) Not more than \$5,058,000 of special fund salary and insurance contribution increase revolving fund moneys shall be expended to effect increases in the state's maximum contributions for employee insurance benefits. Not more than \$3,613,000 of this amount shall be expended to effect, beginning July 1, 1979, an increase in the state's maximum contribution for employee insurance benefits from \$72.50 per month to \$85.00 per month per eligible employee. Not more than \$1,445,000 of this amount shall be expended to effect, beginning July 1, 1980, an increase in the state's maximum contribution for employee insurance benefits from \$85.00 per month to \$95.00 per month per eligible employee: ****PROVIDED, That the funds contained in this subsection (2) (g) and (e) shall be expended exclusively for the maintenance of the level of health benefits being provided on the effective date of this act.***

(h) To facilitate payment of state employee salary increases from special funds and to facilitate payment of state employee insurance benefit increases from special funds, the state treasurer is hereby directed to transfer sufficient income from each special fund to the special fund salary and insurance contribution increase revolving fund hereby created in accordance with schedules provided by the office of financial management.

(i) The state employees' insurance board's authority and practice of expending funds in the state employees' insurance revolving fund generated by dividends and refunds to provide increased benefits or to allow reduced employee contributions is recognized, and the average contribution per employee in subsections (e) and (g) of this section shall not be construed as a restriction on such expenditures. Contributions by any county, municipal, or other political subdivision to which coverage is extended after the effective date of this act shall not receive the benefit of any surplus funds attributable to premiums paid prior to the date upon which coverage is extended.

***Section 14 was partially vetoed, see message at end of chapter.**

<u>NEW SECTION.</u> Sec. 15. FOR THE LIEUTENANT GOVERNOR	
General Fund Appropriation	\$ 204,000
<u>NEW SECTION.</u> Sec. 16. FOR THE SECRETARY OF STATE	
General Fund Appropriation	\$ 3,705,000

The appropriation contained in this section shall be subject to the following conditions and limitations:

(1) \$1,080,000 shall be used solely for the verification of initiative and referendum petitions and the maintenance of related voter registration records, legal advertising of state measures, and the publication and distribution of the voters and candidates pamphlet.

(2) \$624,000 shall be used solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures.

(3) \$20,000 shall be expended to establish working capital for the publication revolving fund.

(4) Not more than \$157,000 shall be expended for precinct census mapping.

NEW SECTION. Sec. 17. FOR THE GOVERNOR'S INDIAN ADVISORY COUNCIL

General Fund Appropriation \$ 147,000

NEW SECTION. Sec. 18. FOR THE COMMISSION ON ASIAN-AMERICAN AFFAIRS

General Fund Appropriation \$ 121,000

NEW SECTION. Sec. 19. FOR THE COMMISSION ON MEXICAN-AMERICAN AFFAIRS

General Fund Appropriation \$ 124,000

NEW SECTION. Sec. 20. FOR THE STATE TREASURER

General Fund Appropriation \$ 10,000

Motor Vehicle Fund—State Appropriation \$ 31,000

State Treasurer's Service Fund Appropriation \$ 3,807,000

Total Appropriation \$ 3,848,000

The appropriations contained in this section shall be subject to the following condition or limitation: The general fund appropriation shall be distributed as provided in RCW 84.38.120 to the appropriate county and city finance officers for senior citizen and disabled property tax and special assessment deferrals authorized by chapter 84.38 RCW.

NEW SECTION. Sec. 21. FOR THE STATE AUDITOR

General Fund Appropriation—State \$ 6,041,000

General Fund Appropriation—Federal \$ 300,000

Motor Vehicle Fund Appropriation \$ 232,000

Total Appropriation \$ 6,573,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) The state auditor shall continue supplemental security income state supplementation audits according to a priority schedule established by the

department of social and health services and the office of financial management.

(2) Legal costs incurred by the attorney general to insure compliance with the findings of the state auditor in state agency audits shall be charged to the agency that received the audit.

NEW SECTION. Sec. 22. FOR THE ATTORNEY GENERAL

General Fund Appropriation	\$	3,355,000
Legal Services Revolving Fund Appropriation	\$	15,034,000
Total Appropriation	\$	18,389,000

NEW SECTION. Sec. 23. FOR THE OFFICE OF FINANCIAL MANAGEMENT

General Fund Appropriation—State	\$	10,949,000
General Fund Appropriation—Federal	\$	24,081,000
Total Appropriation	\$	35,030,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) Not more than \$1,174,000 of this appropriation shall be expended to develop a common payroll/personnel system for higher education: PROVIDED, That the four-year institutions and the community college system: (a) Establish a common core of data elements; and (b) adopt procedures to maintain commonality of the system that are acceptable to the office of financial management, the house appropriations committee, and the senate ways and means committee: PROVIDED FURTHER, That the establishment of the common core of data elements does not preclude the introduction of additional data elements at individual institutions: PROVIDED FURTHER, That a central site will process all payroll calculations and the necessary edits to ensure the commonality of data elements including personnel data, position data, and payroll data.

(2) Not more than \$75,000 shall be used for payment of assessments against state-owned land.

(3) Not more than \$1,000,000 shall be used exclusively for state budget and accounting systems development above the recurring level of system development activities funded in the base budget.

(4) Not more than \$525,000 shall be used for payment of supplies and services furnished in previous biennia.

(5) \$26,000 shall be expended to acquire 1980 bureau of the census Washington state data.

(6) \$4,000 shall be expended to acquire 1979 and 1980 bureau of the census census maps and transparencies of municipal boundaries.

(7) The office shall study and report to the next regular session of the legislature on the work orientation program.

(8) Of the law and justice federal funds included for distribution to state agencies, there shall be made available to the attorney general's office for the crime watch program \$370,000.

(9) The office of financial management shall institute procedures to abolish positions identified by the department of personnel through the retirement/vacancy program, and shall cause to be reverted the salaries and fringe benefits associated with the abolishment of such positions.

NEW SECTION. Sec. 24. FOR THE DEPARTMENT OF PERSONNEL

General Fund Appropriation	\$	263,000
Department of Personnel Service Fund Approp- riation	\$	7,136,000
State Employees' Insurance Fund Appropria- tion	\$	1,229,000
Total Appropriation	\$	8,628,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) \$225,000 of the General Fund Appropriation shall be used to provide working capital for the personnel payroll system costs incurred through the department of personnel service fund.

(2) Not more than \$211,000 of the personnel service fund and 8 FTE's shall be expended for continuation of the cooperative staff utilization review program.

(3) Not more than \$166,000 of the personnel service fund and 8 FTE's shall be utilized for a pilot project directed toward the provision of personnel services for small agencies, boards, and commissions.

(4) Not more than \$38,000 from the general fund shall be expended for a study by the state employees' insurance board to evaluate the effects of including common school employees within the jurisdiction of the board. The report shall be submitted to the governor and the legislature by October 1, 1980.

NEW SECTION. Sec. 25. FOR THE STATE CAPITOL COMMITTEE

General Fund—Capital Building Construc- tion Account Appropriation	\$	20,000
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NEW SECTION. Sec. 26. FOR THE DATA PROCESSING AUTHORITY

General Fund Appropriation	\$	1,023,000
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NEW SECTION. Sec. 27. FOR THE DEFERRED COMPENSA-TION COMMITTEE

General Fund Appropriation	\$	35,000
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NEW SECTION. Sec. 28. FOR THE STATE FINANCE COMMITTEE

General Fund—Investment Reserve Account

Appropriation	\$	991,000
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The appropriation contained in this section shall be subject to the following condition or limitation: Not more than \$200,000 shall be expended exclusively for the purpose of a computerized investment management and accounting system.

NEW SECTION. Sec. 29. FOR THE DEPARTMENT OF REVENUE

General Fund Appropriation	\$	29,298,000
State Timber Reserve Account Appropriation	\$	2,343,000
Motor Vehicle Fund Appropriation	\$	93,000
Total Appropriation	\$	31,734,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) Not more than \$400,000 of the appropriation from the state timber reserve account shall be expended exclusively to reimburse counties with timberland for the costs of establishing forest land grades for each parcel of classified or designated forest land: PROVIDED, That the assessor of each timbered county has provided the department of revenue with a complete listing of designated and classified land acreage and assessed value by taxing district by December 31, 1979, to qualify for reimbursement for listing of the values of forest land under RCW 84.33.117, as now or hereafter amended. Such information shall be made available to the legislature.

(2) The department shall maintain current services including advisory appraisals as required by RCW 84.41.060.

NEW SECTION. Sec. 30. FOR THE TAX APPEALS BOARD

General Fund Appropriation	\$	718,000
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NEW SECTION. Sec. 31. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

General Fund Appropriation	\$	9,526,000
Motor Transport Account Appropriation	\$	3,653,000
General Administration Facilities and Services		
Revolving Fund Appropriation	\$	10,996,000
Total Appropriation	\$	24,175,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) \$871,000 of the General Fund Appropriation shall only be used for replacement of motor transport division vehicles.

(2) \$1,734,000 of the General Fund Appropriation shall only be expended for the banking program and \$700,000 for the savings and loan

program, and that revenues generated from fees and charges in these programs must equal or exceed expenditures.

(3) The department shall discontinue transferring agency-owned vehicles to the motor transport division until a cost benefit analysis has been prepared and approved by the senate ways and means committee and the house appropriations committee. Such analysis shall be completed by October 1, 1980, and shall identify those agency-owned vehicles that should be transferred to the motor transport division effective July 1, 1981, and a proposed method of funding the motor transport account for their depreciated value.

(4) The department of agriculture shall transfer \$8,225 from its local fund accounts to the motor transport account and the state treasurer shall transfer to the motor transport account \$4,100 from the fertilizer, agricultural, mineral and lime fund, \$4,100 from the commercial feed fund, \$34,160 from the grain and hay inspection fund, \$4,100 from the community college capital projects account, \$4,100 from the highway safety fund, and \$4,100 from the higher education personnel board service fund. These transfers shall be in accordance with schedules provided by the office of financial management.

(5) The department of general administration shall provide insurance coverage for all state-owned, state-chartered, state-rented, or state employee-owned aircraft being used on authorized state business, including passengers. This coverage shall be in force for all such aircraft, whether piloted by a state employee or by an employee or employees of a charter or rental firm. The department may require reimbursement for premium costs from user agencies on a pro rata basis.

(6) The department of general administration, through the department of purchasing, shall analyze and review the establishment, maintenance, and operation of its central stores in relationship to inflationary trends, economies of scale, effectiveness in meeting agency needs, and financial and accounting control and report its findings and recommendation to the legislature by September 1980.

NEW SECTION. Sec. 32. FOR THE PRESIDENTIAL ELECTORS

General Fund Appropriation \$ 1,000

NEW SECTION. Sec. 33. FOR THE INSURANCE COMMISSIONER

General Fund Appropriation \$ 6,023,000

NEW SECTION. Sec. 34. FOR THE STATE TREASURER— STATE REVENUES FOR DISTRIBUTION

General Fund Appropriation for fire insurance premiums tax distribution \$ 4,025,000

General Fund Appropriation for snowmobile registration fee distribution \$ 59,000

General Fund Appropriation for public utility district excise tax distribution	\$	16,243,000
General Fund Appropriation for prosecuting attorneys' salaries	\$	1,172,000
General Fund Appropriation for motor vehicle excise tax distribution	\$	44,138,000
General Fund Appropriation for local mass transit assistance	\$	66,602,000
General Fund Appropriation for camper and travel trailer excise tax distribution	\$	2,053,000
General Fund—Harbor Improvement Account Appropriation for harbor improvement revenue distribution	\$	399,000
Liquor Excise Tax Fund Appropriation for liquor excise tax distribution	\$	19,159,000
Motor Vehicle Fund Appropriation for motor vehicle fuel tax and overload penalties distribution	\$	180,969,000
Liquor Board Revolving Fund Appropriation for liquor profits distribution	\$	49,000,000
State Timber Tax Account 'A' Appropriation for distribution to "Timber" counties	\$	23,540,000
State Timber Reserve Account Appropriation for distribution to "Timber" counties	\$	29,620,000
Total Appropriation	\$	436,979,000

**NEW SECTION. Sec. 35. FOR THE STATE TREASURER—
FEDERAL REVENUES FOR DISTRIBUTION**

Forest Reserve Fund Appropriation for forest reserve fund distribution	\$	64,498,000
General Fund Appropriation for federal flood control funds distribution	\$	26,000
General Fund Appropriation for federal grazing fees distribution	\$	50,000
Total Appropriation	\$	64,574,000

**NEW SECTION. Sec. 36. FOR THE STATE TREASURER—
BOND RETIREMENT AND INTEREST**

Fisheries Bond Redemption Fund 1977 Appropriation	\$	1,004,000
Salmon Enhancement Bond Redemption Fund 1977 Appropriation	\$	3,940,000
Higher Education Refunding Bond Retirement Fund 1977 Appropriation	\$	8,782,000
Fire Service Training Center Bond Retirement Fund 1977 Appropriation	\$	76,000

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Highway Bond Retirement Fund Appropriation	\$	66,952,000
State Building Construction Bond Redemption Fund Appropriation	\$	4,226,000
State Higher Education Bond Redemption Fund 1977 Appropriation	\$	2,504,000
Public School Building Bond Redemption Fund 1959 Appropriation	\$	4,800,000
Emergency Water Projects Bond Retirement Fund 1977 Appropriation	\$	2,568,000
Public School Building Bond Redemption Fund 1961 Appropriation	\$	7,455,000
General Administration Building Bond Redemp- tion Fund Appropriation	\$	671,000
Juvenile Correctional Institutional Building Bond Redemption Fund 1963 Appropriation	\$	631,000
Outdoor Recreational Bond Redemption Fund Appropriation	\$	2,335,000
Public School Building Bond Redemption Fund 1965 Appropriation	\$	2,456,000
State Building and Higher Education Construc- tion Bond Redemption Fund 1965 Appropri- ation	\$	5,890,000
Outdoor Recreational Bond Redemption Fund 1979 Appropriation	\$	382,000
Public School Building Bond Redemption Fund 1963 Appropriation	\$	8,712,000
Social and Health Services Bond Redemption Fund 1979 Appropriation	\$	2,673,000
Higher Education Bond Redemption Fund 1979 Appropriation	\$	1,054,000
Fisheries Bond Redemption Fund 1976 Appro- priation	\$	767,000
Indian Cultural Center Bond Redemption Fund 1976 Appropriation	\$	76,000
State Building Bond Redemption Fund 1967 Appropriation	\$	654,000
Community College Capital Construction Bond Redemption Fund 1975, 1976, 1977 Appro- priation	\$	9,510,000
Common School Building Bond Redemption Fund 1976 Appropriation	\$	6,879,000
Outdoor Recreational Bond Redemption Fund 1967 Appropriation	\$	6,255,000

Water Pollution Control Facilities Bond Redemption Fund 1967 Appropriation	\$	3,871,000
State Building and Higher Education Construction Bond Redemption Fund 1967 Appropriation	\$	9,840,000
State Building and Parking Bond Redemption Fund 1969 Appropriation	\$	2,453,000
Waste Disposal Facilities Bond Redemption Fund Appropriation	\$	12,558,000
Water Supply Facilities Bond Redemption Fund Appropriation	\$	8,902,000
Social and Health Services Facilities 1972 Bond Redemption Fund Appropriation	\$	3,737,000
Recreation Improvements Bond Redemption Fund Appropriation	\$	6,002,000
Community College Capital Improvement Bond Redemption Fund 1972 Appropriation	\$	7,498,000
State Building Authority Bond Redemption Fund Appropriation	\$	9,842,000
Office-Laboratory Facilities Bond Redemption Fund Appropriation	\$	276,000
University of Washington Hospital Bond Retirement Fund 1975 Appropriation	\$	1,156,000
Washington State University Bond Redemption Fund 1977 Appropriation	\$	511,000
Higher Education Bond Redemption Fund 1975-76 Appropriation	\$	2,168,000
State Building Bond Redemption Fund 1973 Appropriation	\$	3,914,000
State Building Bond Retirement Fund 1975 Appropriation	\$	693,000
State Higher Education Bond Redemption Fund 1973 Appropriation	\$	4,396,000
Social and Health Services Bond Redemption Fund 1975-76 Appropriation	\$	6,800,000
State Building (Expo 74) Bond Redemption Fund 1973A Appropriation	\$	387,000
Community College Refunding Bond Retirement Fund 1974 Appropriation	\$	9,641,000
State Higher Education Bond Redemption Fund 1974 Appropriation	\$	1,227,000
Pacific Northwest Festival Bond Redemption Fund 1979 Appropriation	\$	382,000

Jail Renovation Bond Retirement Fund Approp- riation	\$	1,680,000
Common School Building Bond Retirement Fund 1979 Appropriation.....	\$	382,000
General Obligation Bond Retirement Fund Ap- propriation.....	\$	288,000
Total Appropriation	\$	249,856,000

The appropriations contained in this section shall be subject to the following condition or limitation: If the state general obligation bond retirement fund is created by chapter ... (SB 2361 or HB 569), Laws of 1979 1st ex. sess., any appropriation to a bond retirement or redemption fund affected by the provisions of such act shall be deemed to be appropriated to the state general obligation bond retirement fund.

NEW SECTION. Sec. 37. FOR THE PUBLIC DISCLOSURE COMMISSION

General Fund Appropriation	\$	892,000
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The appropriation contained in this section shall be subject to the following condition or limitation: \$5,000 shall be expended for a pictorial directory of registered lobbyists in the state of Washington.

NEW SECTION. Sec. 38. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS

General Fund Appropriation	\$	409,353,000
Motor Vehicle Fund Appropriation	\$	27,000
Retirement System Expense Fund Appropria- tion	\$	4,694,000
Teachers' Retirement Fund Appropriation	\$	1,889,000
Total Appropriation	\$	415,963,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

- (1) Not more than \$4,694,000 shall be expended from the retirement system expense fund for the administration of the law enforcement officers' and fire fighters' retirement system and the public employees' retirement system.
- (2) Not more than \$6,000 from the general fund shall be expended for the administration of the judges' retirement system and the judicial retirement system.
- (3) Not more than \$27,000 from the motor vehicle fund shall be expended for administration of the state patrol retirement system.
- (4) Not more than \$1,889,000 shall be expended from the teachers' retirement fund for the administration of the teachers' retirement system.
- (5) Not more than \$243,600,000 from the general fund (\$67,500,000 of which shall be from general revenue sharing funds received during the

1979–81 biennium) shall be expended for contributions to the teachers' retirement system.

(6) Not more than \$493,000 from the general fund shall be expended for contributions to the judicial retirement system.

(7) Not more than \$554,000 from the general fund shall be expended for contributions to the judges' retirement system.

(8) Not more than \$164,700,000 from the general fund shall be expended for contributions to the law enforcement officers' and fire fighters' retirement system.

NEW SECTION. Sec. 39. FOR THE MUNICIPAL RESEARCH COUNCIL

General Fund Appropriation \$ 880,000

NEW SECTION. Sec. 40. UNIFORM LEGISLATION COMMISSION

General Fund Appropriation \$ 21,000

NEW SECTION. Sec. 41. FOR THE BOARD OF ACCOUNTANCY

General Fund Appropriation \$ 517,000

NEW SECTION. Sec. 42. FOR THE ATHLETIC COMMISSION

General Fund Appropriation \$ 56,000

NEW SECTION. Sec. 43. FOR THE CEMETERY BOARD

General Fund—Cemetery Account Appropriation \$ 68,000

NEW SECTION. Sec. 44. FOR THE HORSE RACING COMMISSION

Horse Racing Commission Fund Appropriation \$ 1,752,000

The appropriation contained in this section shall be subject to the following condition or limitation: If there are more than five hundred sixty-seven racing days during the 1979–81 biennium, the governor is hereby authorized to allocate such additional funds as may be required.

NEW SECTION. Sec. 45. FOR THE LIQUOR CONTROL BOARD

Liquor Board Revolving Fund Appropriation \$ 58,425,000

NEW SECTION. Sec. 46. FOR THE PHARMACY BOARD

General Fund Appropriation \$ 828,000

NEW SECTION. Sec. 47. FOR THE UTILITIES AND TRANSPORTATION COMMISSION

Public Service Revolving Fund Appropriation—State \$ 11,939,000

Public Service Revolving Fund Appropriation—Federal \$ 338,000

Grade Crossing Protective Fund Appropriation \$ 1,457,000

Total Appropriation \$ 13,734,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

- (1) \$865,000 from the grade crossing protective fund shall be used solely for obligations incurred in prior biennia.
- (2) \$68,000 from the public service revolving fund—state shall be expended for railroad inspectors contingent upon receipt of federal matching funds.

NEW SECTION. Sec. 48. FOR THE BOARD FOR VOLUNTEER FIREMEN

Volunteer Firemen's Relief and Pension Fund

Appropriation	\$	102,000
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NEW SECTION. Sec. 49. FOR THE DEPARTMENT OF EMERGENCY SERVICES

General Fund Appropriation—State	\$	651,000
General Fund Appropriation—Federal	\$	2,048,000
Total Appropriation	\$	2,699,000

NEW SECTION. Sec. 50. FOR THE MILITARY DEPARTMENT

General Fund Appropriation—State	\$	5,485,000
General Fund Appropriation—Federal	\$	605,000
Total Appropriation	\$	6,090,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

****(1) No general fund moneys shall be expended for administration, operation or maintenance of the Washington state guard.***

(2) Not more than \$206,000 of the general fund appropriation shall be expended solely for national guard educational assistance grants contingent upon chapter ... (2nd SSB 2212 or ESHB 295), Laws of 1979 1st ex. sess. becoming law.

***Section 50 was partially vetoed, see message at end of chapter.**

NEW SECTION. Sec. 51. FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

General Fund Appropriation	\$	1,174,000
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NEW SECTION. Sec. 52. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

State Funding Sources	\$	1,239,677,000
Federal Funding Sources	\$	848,298,000
Other Funding Sources	\$	13,433,000
Total of all Funding Sources	\$	2,101,408,000
Total FTE Staff Years		28,435

The appropriations contained in sections 53 through 65 of this act shall be subject to the following conditions and limitations:

(1) The department shall not initiate any new services beyond those authorized by appropriation in this act without approval of the office of financial management. The senate ways and means committee and the house appropriations committee of the legislature shall be advised of any approvals.

(2) Funds appropriated to programs in sections 53 through 65 of this act shall be initially allotted reflecting the fiscal assumptions and legislative intent of this act. Transfers between programs may occur only to the extent required to meet obligations deriving from federal matching requirements and legislative intent regarding federal programs as expressed in this appropriations act. Analysis of the programmatic impacts and justification of approved amendments to this plan will be conveyed by the office of financial management to the senate ways and means committee and the house appropriations committee of the legislature.

(3) The department of social and health services will cooperate with the state energy office and participate in the programs established by Title III of the National Energy Conservation Policy Act.

NEW SECTION. Sec. 53. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ADULT CORRECTIONS PROGRAM

General Fund Appropriation	\$ 114,004,000
Total FTE Staff Years	4,299

The appropriation contained in this section shall be subject to the following conditions and limitations:

(1) Not more than \$1,702,000 from the general fund shall be expended for community services.

(2) Not more than \$1,716,000 from the general fund and 76.0 FTE's shall be expended for intensive parole.

(3) Not more than \$15,679,000 from the general fund and 731 FTE's shall be expended for probation and parole.

(4) Not more than \$7,002,000 from the general fund and 152 FTE's shall be expended for work/training release.

(5) Not more than \$81,663,000 from the general fund and 3,259 FTE's shall be expended for institutional staffing.

(6) \$920,000 from the general fund shall be expended to contract with a nonprofit corporation to provide a diversionary program for convicted felons with prior conviction records and prior incarcerations. No felon may participate in the program if: (a) he or she has a prior conviction for any violent or inherently dangerous felony, or (b) the crime for which he or she is being diverted into the program is a violent or inherently dangerous felony. For the purposes of this section, "violent or inherently dangerous felony" means rape in the first or second degree, robbery in the first or second degree, kidnapping in the first or second degree, assault in the first or second degree, or arson in the first degree. Prior to entering into the contract, the secretary of

the department of social and health services must have assurance of the co-operation of the superior court bench of the county in which the program will be implemented. The program shall include the following:

(a) A contractual agreement between such nonprofit corporation and the felon with approval of the sentencing judge. Such agreement will describe work performance and restitution expectations, and judicial conditions and review;

(b) A fully controlled residential component;

(c) Supervision by a probation officer of the department of social and health services;

(d) Coordination of all activities by a case manager employed by such nonprofit corporation;

(e) Job development and placement services which will guarantee each participant regular employment;

(f) Specialized alcohol, drug, and counseling services; and

(g) Participation of community and corporate entities which will provide \$1,212,000 in direct and in-kind support.

(7) Not more than \$25,000 from the general fund will be expended for a program evaluation by an independent third party of the diversionary program set forth in subsection (6) of this section. Such evaluation will commence with the initiation of the contract and shall include the following:

(a) Evaluation of the intake procedures, including initial screening, final screening, the contract between the nonprofit organization and the convicted felon, and the participant selection process;

(b) Evaluation of the program elements;

(c) Evaluation of the program impact on recidivism using the measures of rearrest, type of rearrest offense, reconviction, revocation and recommitment;

(d) Evaluation of the control group;

(e) Data collection and analysis; and

(f) A cost benefit analysis.

(8) In the event chapter ... (Substitute House Bill No. 144), Laws of 1979 1st ex. sess. fails to pass, \$100,000 will be reverted to the general fund.

NEW SECTION. Sec. 54. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—JUVENILE REHABILITATION PROGRAM

General Fund Appropriation—State	\$	53,665,000
General Fund Appropriation—Federal	\$	747,000
Total Appropriation	\$	54,412,000
Total FTE Staff Years		1,966

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) \$600,000 from the general fund and 50 FTE staff years shall be held in reserve for the sole purpose of providing adequate staffing within the institutions and to allow residence units not currently being utilized to be opened and staffed. Staffing patterns within the residence units will provide for at least two staff persons during those periods, other than normal sleeping hours, when residents are not attending classes or involved in work programs.

(2) Not more than \$30,000 shall be expended for resource development and coordination and educational program development and coordination.

(3) \$800,000 and 26 FTE staff years shall be expended for a mental health unit at Maple Lane School, except that such unit will be fully implemented and operational by September 30, 1979, except that if such unit is not implemented and operational by September 30, 1979, the operational responsibility will be transferred to the mental health division of the department of social and health services.

(4) No funds shall be expended for the lease-back of any institutional facility.

NEW SECTION. Sec. 55. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—MENTAL HEALTH PROGRAM

General Fund Appropriation—State	\$	98,559,000
General Fund Appropriation—Federal	\$	17,184,000
General Fund Appropriation—Local	\$	2,119,000
Total Appropriation	\$	117,862,000
Total FTE Staff Years		3,110

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) \$31,845,000 of which \$11,396,000 shall be from federal funds shall be expended to maintain and enhance the present level of community mental health services, except that, of this amount, \$373,000 from state funds shall be expended to continue the "grandfathered" level of support through the 1979-81 biennium at which time this level of support shall be terminated.

(2) \$5,500,000 from state funds shall be expended for the purpose of providing staffing grant-in-aid to the nonprofit community mental health centers and to nonprofit mental health providers: PROVIDED, That no more than a total of \$200,000 may be assigned to nonprofit mental health providers.

(3) \$500,000 from state funds shall be expended to implement a program for the violent, disturbed child.

(4) \$262,000 from state funds shall be expended to maintain institutional legal services.

(5) \$302,000 from state funds shall be expended for a demonstration project providing case management, residential, and support services to

chronic seriously mentally ill adults who have continual histories of admission and readmission to eastern state hospital.

(6) \$400,000 from state funds shall be expended for a demonstration project in four counties to provide full case management services.

(7) \$984,000, of which \$49,000 shall be from federal funds, and 60 FTE staff years shall be held in reserve for the sole purpose of providing adequate staffing with the state hospitals.

(8) Not more than \$250,000 shall be expended for a demonstration project to reduce the number of hospitalizations of children assessed by mental health professionals as needing hospital care, provided that the project will involve intensive in-home family crisis and education services conducted by highly-trained individuals and shall include an evaluation component to compare the outcomes with those of similar children who are hospitalized. The department shall submit this evaluation to the legislature by January 5, 1981.

NEW SECTION. Sec. 56. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—DEVELOPMENTAL DISABILITIES PROGRAM

General Fund Appropriation—State	\$	99,439,000
General Fund Appropriation—Federal	\$	61,900,000
Total Appropriation	\$	161,339,000

Total FTE Staff Years 6,821

The appropriations contained in this section are subject to the following conditions and limitations:

(1) \$1,718,000 (of which \$859,000 shall be from federal funds) will be expended for home aide services, assuming six hundred fifty-five cases per month in fiscal year 1980 and seven hundred thirty-one cases per month in fiscal year 1981.

(2) Not more than \$682,000 (of which \$46,000 shall be from federal funds) shall be expended to increase the personal needs allowance of clients in group homes and institutions to \$32.50 per month.

(3) \$78,000 from state funds shall be expended for the provision of legal services for institutionalized persons: PROVIDED, That no moneys may be expended on deinstitutionalization lawsuits.

(4) \$2,793,000 from state funds shall be expended solely for the purpose of providing vendor rate increases.

****(5) \$120,000 shall be used to provide protection and advocacy services for the handicapped.***

(6) Extended sheltered employment will be provided in the vocational rehabilitation program and none of the appropriations contained in this section shall be expended for such services.

(7) Not more than \$344,000 shall be allocated for a pilot project for disturbed youth to develop a treatment program for certain youth with

multiple problems that do not fit within the specific eligibility criteria of the various service programs of the department of social and health services. The department shall provide the appropriate legislative committees an evaluation and monitoring report semiannually regarding the effectiveness of this pilot project, and shall provide to the forty-seventh legislature, no later than January 5, 1981, an evaluation report containing recommendations for future programming.

(8) Not more than \$2,946,000 shall be expended exclusively to increase compensation for group home resident care and support staff, excluding administrative staff.

***Section 56 was partially vetoed, see message at end of chapter.**

NEW SECTION, Sec. 57. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—NURSING HOMES PROGRAM

General Fund Appropriation—State	\$	126,830,000
General Fund Appropriation—Federal	\$	126,152,000
Total Appropriation	\$	252,982,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) The funds appropriated in this section shall revert immediately to the general fund if ESSB 2335 fails to be enacted.

(2) For fiscal year 1980, the wages for nursing service personnel shall be the sum of the product of ninety percent of the prevailing wages for the categories of nursing assistants, licensed practical nurses, registered nurses, and noncontractual therapists and related restorative employees, expressed as an hourly rate, based upon the state-wide salary survey as conducted pursuant to RCW 41.06.160, multiplied by the standard hours determined by the department of social and health services.

(3) The wages for all employees, other than those specified in subsection (2) of this section and administrators and assistant administrators, shall be the sum of the product of ninety percent of the prevailing wages, expressed as an hourly rate, based upon the state-wide salary survey as conducted pursuant to RCW 41.06.160, multiplied by the standard hours for such employees developed by the department of social and health services.

(4) For fiscal year 1980, food reimbursement shall be one hundred fifteen percent of the average of all costs for bulk and raw foods and beverages purchased for dietary needs, expressed as a per patient per day amount.

(5) Patient personal needs allowance limitation will be extended to \$32.50 per month.

(6) \$500,000 shall be expended by the department of social and health services for purposes of retaining special private counsel, subject to the concurrence of the governor, to defend the department against law suits challenging the cost reimbursement system of the department of social and health services.

(7) \$810,000, of which \$404,000 shall be from federal funds, shall be used to implement a program which will enable short-term placement in nursing homes.

(8) \$1,800,000 (of which \$900,000 shall be from federal funds) may be used for reimbursement of costs incurred from the training of nurses' assistants.

NEW SECTION, Sec. 58. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—NURSING HOMES PROGRAM

General Fund Appropriation—State	\$	122,273,000
General Fund Appropriation—Federal	\$	121,595,000
Total Appropriation	\$	243,868,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) The wages for nursing service personnel shall be the sum of the product of ninety percent of the prevailing wages for the categories of nursing assistants, licensed practical nurses, registered nurses, and noncontractual therapists and related restorative employees, expressed as an hourly rate, based upon the state-wide salary survey as conducted pursuant to RCW 41.06.160, multiplied by the standard hours determined by the department of social and health services.

(2) The wages for all employees, other than those specified in subsection (1) of this section and administrators and assistant administrators, shall be the sum of the product of ninety percent of the prevailing wages, expressed as an hourly rate, based upon the state-wide salary survey as conducted pursuant to RCW 41.06.160, multiplied by the standard hours for such employees developed by the department of social and health services.

(3) Food reimbursement shall be one hundred fifteen percent of the average of all costs for bulk and raw foods and beverages purchased for dietary needs, expressed as a per patient per day amount.

(4) Reimbursement for administration and operations will include all items not specified in subsections (1), (2), (3), (5), and (6) of this section and shall not exceed the eighty-fifth percentile of all reporting facilities, except that the nursing home facilities may be grouped by factors, other than ownership or legal organizational characteristics, which could reasonably influence cost requirements for administration and operations.

(5) Property reimbursement shall not exceed the predicted cost plus one standard deviation of the necessary and ordinary costs of depreciation, and interest, of owner-operated facilities utilizing a multiple regression formula

developed by the department of social and health services, recognizing factors which may be significant, including location, age, and type of facility. Rental costs of leased facilities shall be reimbursed to the extent they do not exceed the upper limit of the multiple regression formula for comparable owner-operated facilities.

(6) The return of net invested equity for each facility will be determined by utilizing Medicare rules and regulations.

(7) Patient personal needs allowance limitation will be extended to \$32.50 per month.

(8) \$500,000 shall be expended by the department of social and health services for purposes of retaining special private counsel, subject to the concurrence of the governor, to defend the department against law suits challenging the cost reimbursement system of the department of social and health services.

(9) \$810,000, of which \$404,000 shall be from federal funds, shall be used to implement a program which will enable short-term placement in nursing homes.

(10) \$1,800,000 (of which \$900,000 shall be from federal funds) may be used for reimbursement of costs incurred from the training of nurses' assistants.

(11) The funds contained in this section shall revert immediately to the general fund if ESSB 2335 is enacted.

NEW SECTION. Sec. 59. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—INCOME MAINTENANCE GRANTS PROGRAM

General Fund Appropriation—State	\$	314,749,000
General Fund Appropriation—Federal	\$	205,932,000
Total Appropriation	\$	520,681,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) \$31,928,000 (of which \$10,052,000 shall be from federal funds) shall be expended for the purposes of providing a 10.0% per year increase to all assistance grants.

(2) \$1,496,000 from state funds shall be expended to increase the personal needs allowance of clients in nursing homes and congregate care facilities to \$32.50 per month.

(3) \$5,036,000 (of which \$448,000 shall be from federal funds) shall be expended solely for vendor rate increases of 7.0% per year.

****(4) \$6,646,000 from state funds shall be expended for noncontinuing general assistance, except that after the recipient has been determined eligible for such assistance for six consecutive weeks, the recipient's grant will be equivalent to two times the food only standard plus twenty dollars.***

(5) \$760,000 from state general funds shall be expended to provide forty-eight hours of shelter care for victims of domestic violence.

(6) \$360,000 from state general funds shall be expended to provide a variable one-time allowance for persons without resources who are discharged from a skilled nursing facility.

(7) \$900,000 of state funds and \$600,000 of federal funds shall be expended to place Kitsap county residents into Area I grant standards eligibility and pay such grants accordingly.

(8) Not more than \$1,869,000 shall be expended exclusively to increase compensation for employees of congregate care facilities, excluding administrative staff.

***Section 59 was partially vetoed, see message at end of chapter.**

NEW SECTION. Sec. 60. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—COMMUNITY SOCIAL SERVICES GRANTS PROGRAM

General Fund Appropriation—State	\$	79,755,000
General Fund Appropriation—Federal	\$	65,624,000
General Fund Appropriation—Local	\$	100,000
Total Appropriation	\$	145,479,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

****(1) \$7,404,000 (of which \$2,219,000 shall be from federal funds) shall be expended solely for vendor rate inflationary increases.***

(2) \$14,194,000, of which \$10,444,000 shall be from federal funds, shall be expended for child day care payments.

(3) \$28,805,000, of which \$21,260,000 shall be from federal funds, shall be expended for the provision of adult chore service payments: PROVIDED, That:

(a) A single application and assessment of need shall be utilized in determining eligibility for and allowable amounts of all chore services. All financially eligible applicants shall have their need for said services fairly and equitably evaluated by a competent, trained person, skilled in the assessment of the conditions and needs of elderly and disabled persons. Applicants shall receive notice of the results of the assessment and informed of their right to a fair hearing as provided in RCW 74.08.070 and 74.08.080.

(b) The provision of chore services shall be coordinated to the extent practical through one agency of the department to avoid fragmentation of service delivery.

(c) All chore services shall be provided to the extent necessary to assure adequate standards of health and hygiene, to maintain a decent, clean, and safe household, and to meet independent living requirements for eligible persons as determined by the department.

(d) The department shall assure that persons eligible for chore services receive such services promptly after eligibility is determined and on a regularly scheduled basis thereafter.

(e) Chore services shall be provided on an emergency basis when regularly scheduled services have been unexpectedly interrupted.

(f) The scope, amount, and duration of services authorized shall not be changed without good cause and prior notice which informs recipients of their right to a fair hearing.

(g) The department shall assist in the recruiting, training, and supervision of workers to the extent necessary to assure that clients receive chore services reasonably qualified to perform the required tasks.

(h) The department, in carrying out its program, shall assure that payment to providers and workers performing chore services is made on a prompt and regular basis, and that all workers employed under this program are paid at least the federally established minimum wage: PROVIDED FURTHER, That recipients of the chore services shall be afforded the following rights and protections:

(i) No recipient shall be discriminated against for reasons of race, sex, age, marital status, language background or fluency, religion, or any mental, physical, or sensory handicap;

(ii) All recipients' rights of privacy and confidentiality shall be respected in the provision of chore services;

(iii) All recipients have the right to receive quality care provided with dignity and consideration from trained chore service workers who are able to communicate with the recipient; and

(iv) All recipients, or their legal guardians, shall have the right to take an active role in the planning and management of such services, including a reasonable choice of providers.

(4) \$161,000 from state funds shall be provided to the department of personnel alcoholism program for state employees stationed in eastern Washington, except that this program shall be initiated in eastern Washington by January 1, 1980; otherwise the funds shall revert to the general fund.

(5) \$866,000, of which \$434,000 shall be from federal funds, shall be expended to provide enhancement of the foster care program, including the establishment of a foster parent's property damage or loss fund, an increase in the clothing allowance, and a children's needs assessment.

(6) Reimbursement to private child caring agencies responsible for foster care placement shall be increased from \$33 per month per child to \$50 per month per child.

*Section 60 was partially vetoed, see message at end of chapter.

NEW SECTION. Sec. 61. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—MEDICAL ASSISTANCE GRANTS PROGRAM

General Fund Appropriation—State	\$	201,114,000
General Fund Appropriation—Federal	\$	148,435,000
Total Appropriation	\$	349,549,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) \$23,743,000 (of which \$9,628,000 shall be from federal funds) shall be expended solely for inflationary increases for hospitals.

(2) \$23,236,000 (of which \$10,307,000 shall be from federal funds) shall be expended solely for inflationary increases for medical vendors other than hospitals.

NEW SECTION. Sec. 62. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—PUBLIC HEALTH PROGRAM

General Fund Appropriation—State	\$	20,556,000
General Fund Appropriation—Federal	\$	49,745,000
General Fund Appropriation—Local	\$	400,000
General Fund Appropriation—State and Local Improvements Revolving Account—Water Supply Facilities: Appropriated pursuant to chapter 128, Laws of 1972 ex. sess. (Referendum 27)—Reappropriation	\$	10,814,000
Total Appropriation	\$	81,515,000
Total FTE Staff Years		838

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) \$1,266,000 from state funds shall be used solely for supplemental funding to kidney centers.

(2) \$400,000 from state funds will be used solely to continue the contract for the purchase of cancer research.

****(3) Not less than \$674,000 (of which \$506,000 shall be from federal funds) and 42 FTE staff years shall be spent for administration of the early periodic screening, testing, diagnosis, and treatment program (EPSDT).***

(a) Local offices are to provide outreach for the EPSDT program.

(b) The department shall develop a screening/billing form to be used by EPSDT providers as a requirement for payment.

(c) The department shall develop a reporting system which will enable follow-up to the EPSDT diagnosis and treatment process.

(d) 2 FTE's shall be used by the department for the coordination and management of the EPSDT program.

***Section 62 was partially vetoed, see message at end of chapter.**

NEW SECTION. Sec. 63. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—VOCATIONAL REHABILITATION PROGRAM

General Fund Appropriation—State	\$	7,196,000
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General Fund Appropriation—Federal	\$	35,741,000
Total Appropriation	\$	42,937,000
Total FTE Staff Years		658

The appropriation contained in this section shall be subject to the following condition or limitation: \$2,871,000 of which \$2,153,000 shall be federal funds shall be expended for the extended sheltered employment program.

NEW SECTION. Sec. 64. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ADMINISTRATION AND SUPPORTING SERVICES PROGRAM

General Fund Appropriation—State	\$	52,875,000
General Fund Appropriation—Federal	\$	33,837,000
Total Appropriation	\$	86,712,000
Total FTE Staff Years		2,951

The appropriations contained in this section shall be subject to the following conditions and limitations:

- (1) Not more than \$14,003,000 of which \$8,359,000 shall be federal funds, and 702 FTE's shall be expended for support enforcement.
- (2) Not more than \$2,526,000 of which \$923,000 shall be federal funds, and 104 FTE's shall be expended for fair hearings.
- (3) Not more than \$17,628,000 of which \$5,371,000 shall be federal funds, and 526 FTE's shall be expended for information systems.
- (4) \$115,000 of which \$23,000 shall be federal funds shall be expended to increase the personal needs allowance to \$32.50 per month.

NEW SECTION. Sec. 65. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—COMMUNITY SERVICES ADMINISTRATION PROGRAM

General Fund Appropriation—State	\$	70,935,000
General Fund Appropriation—Federal	\$	103,001,000
Total Appropriation	\$	173,936,000
Total FTE Staff Years		7,792

The appropriations contained in this section shall be subject to the following conditions and limitations:

- (1) Fifty-two FTE's shall be utilized in the delinquency prevention and crisis intervention intake services.
- (2) Not more than 258 FTE staff years and \$7,852,000 (of which \$7,736,000 shall be from federal funds) shall be utilized in the disability insurance benefits section.

****(3) Not more than 306 FTE staff years and \$13,844,000 (of which \$8,901,000 shall be from federal funds) shall be utilized in the medical assistance administration program.***

(4) The department of social and health services shall obtain competitive bids from the private sector for the purpose of the administration of the dental program with medical assistance.

***Section 65 was partially vetoed, see message at end of chapter.**

NEW SECTION. Sec. 66. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—REAPPROPRIATIONS

General Fund Appropriation—State	\$	21,357,000
General Fund Appropriation—Federal	\$	15,343,000
Total Appropriation	\$	36,700,000

The appropriations contained in this section shall be subject to the following condition or limitation: These general fund reappropriations shall be for services and supplies not in excess of the unexpended balance of the 1977-1979 allotments for such purpose.

NEW SECTION. Sec. 67. FOR THE DEPARTMENT OF VETERANS AFFAIRS

General Fund Appropriation—State	\$	13,386,000
General Fund Appropriation—Local	\$	1,593,000
Total Appropriation	\$	14,979,000

NEW SECTION. Sec. 68. FOR THE PLANNING AND COMMUNITY AFFAIRS AGENCY

General Fund Appropriation—State	\$	3,976,000
General Fund Appropriation—Federal	\$	10,024,000
Total Appropriation	\$	14,000,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) \$7,035,000 from federal funds and 18.0 FTE staff years shall be expended exclusively to provide support to local agencies' weatherization programs.

(2) \$200,000 from the general fund—state appropriation shall be expended and distributed to border towns within seven air miles of the Canadian border. These moneys shall be disbursed to these communities on the basis of border traffic and historical public impacts of law enforcement problems caused by the border on local budgets. No moneys in this subsection may be used by the planning and community affairs agency for its own purposes in administering these funds.

(3) \$110,000 from the general fund—state appropriation shall be utilized for a grant to the city of Port Angeles to design, construct, and equip a marine laboratory and support facility. Such funds are contingent upon the prior receipt of \$40,000 in private, local, or federal funds.

(4) Up to \$250,000 of the appropriation shall be used exclusively for the provision of the assistance of a special prosecutor on the investigation of indictments linking local government officials to criminal operations: PROVIDED, That the total assistance provided pursuant to this section and

section 11, chapter 15, Laws of 1979 shall not exceed \$300,000. To the extent possible, this appropriation shall be used to match available federal and local funds for this purpose.

(5) Not more than \$83,000 from the general fund—state appropriation shall be provided as a grant to the city of Dayton to complete the restoration of the historic depot museum and grounds.

(6) Not more than \$380,000 from the state general fund shall be expended exclusively to provide a fifty percent state match for federal funds in the community services program. In the event the federal government requires a lesser state matching rate, an appropriate amount of state general funds shall be placed in allotment reserve for the remainder of the biennium.

(7) \$140,000 of the state general fund appropriation shall be expended exclusively for the continuation of programs of the Washington association of sheriffs and police chiefs.

NEW SECTION. Sec. 69. FOR THE HUMAN RIGHTS COMMISSION

General Fund Appropriation—State	\$	2,967,000
General Fund Appropriation—Federal	\$	340,000
Total Appropriation	\$	3,307,000

NEW SECTION. Sec. 70. FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS

General Fund Appropriation	\$	82,000
Accident Fund Appropriation	\$	1,526,000
Medical Aid Fund Appropriation	\$	1,525,000
Total Appropriation	\$	3,133,000

NEW SECTION. Sec. 71. FOR THE WASHINGTON STATE CRIMINAL JUSTICE TRAINING COMMISSION

General Fund—Criminal Justice Training		
Account Appropriation	\$	3,783,000

NEW SECTION. Sec. 72. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

General Fund Appropriation—State	\$	7,778,000
General Fund Appropriation—Federal	\$	110,000
General Fund—Crime Victims' Compensation Account Appropriation	\$	10,000
Accident Fund Appropriation—State	\$	28,276,000
Accident Fund Appropriation—Federal	\$	366,000
Electrical License Fund	\$	5,888,000
Medical Aid Fund Appropriation	\$	24,647,000
Plumbing Certificate Fund	\$	199,000
Pressure Systems Safety Fund	\$	499,000
Total Appropriation	\$	67,773,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) General fund expenditures for the Building and Construction Program together with associated indirect cost and salary increase costs shall not exceed general fund revenue from the Building and Construction Program.

(2) 30 FTE staff years may be expended for electrical licensing and regulation activity.

(3) Expenditures may be made from the general fund—electrical license account in lieu of the electrical license fund until chapter 67, Laws of 1979 1st ex. sess. (ESB 2295) takes effect.

NEW SECTION. Sec. 73. FOR THE BOARD OF PRISON TERMS AND PAROLES

General Fund Appropriation \$ 1,984,000

NEW SECTION. Sec. 74. FOR THE HOSPITAL COMMISSION

General Fund Appropriation—State \$ 326,000

General Fund Appropriation—Federal \$ 528,000

General Fund—Hospital Commission Account Appropriation \$ 557,000

Total Appropriation \$ 1,411,000

The appropriations contained in this section shall be subject to the following condition or limitation: If the federally funded prospective reimbursement project is extended beyond September 30, 1980, state general funds shall be placed in reserve to the extent that state funds can be replaced by federal funds.

NEW SECTION. Sec. 75. FOR THE EMPLOYMENT SECURITY DEPARTMENT

General Fund Appropriation—State \$ 3,083,000

General Fund Appropriation—Federal \$ 173,441,000

General Fund Appropriation—Local \$ 684,000

Administrative Contingency Fund Appropriation—Federal \$ 428,000

Unemployment Compensation Administration Fund Appropriation \$ 81,180,000

Total Appropriation \$ 258,816,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) Not more than \$133,000 of the general fund appropriation shall be expended for support of the Washington occupational information system.

(2) Not more than \$68,000 shall be expended for the operation and maintenance of the Buena migrant housing camp.

NEW SECTION. Sec. 76. FOR THE COMMISSION FOR THE BLIND

General Fund Appropriation—State	\$	2,463,000
General Fund Appropriation—Federal	\$	5,090,000
Total Appropriation	\$	7,553,000

NEW SECTION. Sec. 77. FOR THE JAIL COMMISSION

General Fund Appropriation	\$	360,000
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NEW SECTION. Sec. 78. FOR THE STATE ENERGY OFFICE

General Fund Appropriation—State	\$	1,021,000
General Fund Appropriation—Federal	\$	5,140,000
Total Appropriation	\$	6,161,000

The appropriations contained in this section shall be subject to the following condition or limitation: \$1,167,000 of the general fund—federal appropriation shall be expended exclusively by schools, hospitals, units of local governments, and public care institutions for energy conservation programs pursuant to the provisions of the National Energy Conservation Policy Act.

NEW SECTION. Sec. 79. FOR THE OCEANOGRAPHIC COMMISSION

General Fund Appropriation	\$	384,000
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NEW SECTION. Sec. 80. FOR THE COLUMBIA RIVER GORGE COMMISSION

General Fund Appropriation—State	\$	5,000
General Fund Appropriation—Federal	\$	26,000
Total Appropriation	\$	31,000

NEW SECTION. Sec. 81. FOR THE DEPARTMENT OF ECOLOGY

General Fund Appropriation—State	\$	18,212,000
General Fund Appropriation—Federal	\$	8,907,000
General Fund—Special Grass Seed Burning Research Account Appropriation	\$	15,000
General Fund—Reclamation Revolving Ac- count Appropriation	\$	874,000
General Fund—Litter Control Account Ap- propriation	\$	3,344,000
Stream Gaging Basic Data Fund Appropria- tion	\$	197,000
General Fund—State and Local Improve- ments Revolving Account—Waste Dis- posal Facilities: Appropriated pursuant to chapter 127, Laws of 1972 ex. sess. (Refer- endum 26)	\$	100,918,000

General Fund—Water Pollution Control Facilities Account Appropriation	\$	50,000
General Fund—State and Local Improvements Revolving Account—Water Supply Facilities: Appropriated pursuant to chapter 128, Laws of 1972 ex. sess. (Referendum 27)	\$	14,146,000
General Fund—Emergency Water Project Revolving Account Appropriation (These funds will be a reappropriation of projects approved in the 1977–79 operating budget)	\$	200,000
Total Appropriation	\$	146,863,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) \$1,142,000 in state funds from this appropriation shall be expended by the department of ecology for matching purposes for activated air pollution control authorities, and if such authorities do not expend an equal amount to match these funds during the 1979–81 biennium, such unmatched unexpended state funds shall be available to the department.

(2) Up to \$1,464,000 from federal air pollution control grant funds shall be made available to activated air pollution control authorities in the state as directed by the federal environmental protection agency.

(3) \$235,000 of the general fund appropriation—state shall be expended within the field operations program for the Washington state conservation commission for ongoing commission staff functions, including those responsibilities related to the implementation phase of section 208, P.L. 92–500, the federal clean water act.

(4) On or before October 1, 1979, the department of ecology shall file with the ways and means committee of the senate and the appropriations committee of the house of representatives a master compilation by project type of those projects proposed for funding during the 1979–81 biennium from the appropriations for waste disposal facilities and municipal and industrial water supply facilities. The department shall submit updates for the master compilation to such committees at six month intervals during the 1979–81 biennium. The updates shall reflect project completions, deletions, substitutions, or additions made during the course of administering such projects. If the department proposes to change or modify any project list on the master compilation, it shall give the senate ways and means committee and the house appropriations committee thirty days written notice of such change or modification prior to the expenditure or obligation of any funds appropriated by this section. The department shall inform such committees as soon as practicable of emergent federal action which has any effect whatsoever on the appropriations for waste disposal facilities and water supply facilities.

(5) The appropriation from the state and local improvements revolving account—municipal and industrial water supply facilities may be expended to pay up to fifty percent of the eligible cost of any project, as a grant or loan or combination thereof. Also, the department may loan up to one hundred percent of the eligible costs of preconstruction activities and the department may provide up to one hundred percent of the costs necessary to meet the conditions required to receive federal funds.

(6) The appropriation from the state and local improvements revolving account—waste disposal facilities may be expended by the department to pay for up to fifty percent of the eligible cost of any project, as a grant or loan or combination thereof, for waste water treatment or disposal, agricultural pollution, lake rehabilitation, or solid waste management facilities. The department is hereby authorized to provide up to one hundred percent of the costs necessary to meet the conditions required to receive federal funds.

(7) Not more than \$500,000 of the state general fund appropriations shall be expended for an auto emissions inspection program, contingent upon the passage of House Bill No. 298.

NEW SECTION. Sec. 82. FOR THE POLLUTION CONTROL HEARINGS BOARD

General Fund Appropriation	\$ 542,000
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NEW SECTION. Sec. 83. FOR THE ENERGY FACILITY SITE EVALUATION COUNCIL

General Fund Appropriation—State	\$ 505,000
General Fund Appropriation—Private/Local	\$ 863,000
Total Appropriation	\$ 1,368,000

NEW SECTION. Sec. 84. FOR THE SHORELINES HEARING BOARD

General Fund Appropriation	\$ 41,000
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The appropriation contained in this section shall be subject to the following condition or limitation: \$19,000 is to be used exclusively for court reporting costs.

NEW SECTION. Sec. 85. FOR THE STATE PARKS AND RECREATION COMMISSION

General Fund Appropriation—State	\$ 24,749,000
General Fund Appropriation—Federal	\$ 100,000
General Fund Appropriation—Private/Local	\$ 258,000
General Fund—Trust Land Purchase Account Appropriation	\$ 2,522,000
General Fund—Winter Recreation Parking Account Appropriation	\$ 64,000
General Fund—Outdoor Recreation Account Appropriation	\$ 70,000

Motor Vehicle Fund Appropriation	\$	800,000
Total Appropriation	\$	28,563,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) No currently operating state park will be closed due to budgetary constraints.

****(2) The commission shall make no contractual agreements or receive any donation of real property or an interest therein which commits the commission to either assuming on a current basis or to requesting funds at a future time for operating, development, or acquisition costs without prior approval of the senate ways and means committee and house appropriations committee.***

(3) \$155,000 shall be expended within the park operation program 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.

(4) Not more than \$900,000 of the trust land purchase account appropriation shall be expended to purchase the state-owned Heart Lake property located in section 36, township 35 north, range 1 east W.M. located in Skagit county if such amount is equal to or more than the fair market value of the property.

(5) Not more than \$15,000 shall be expended for the purpose of making a grant to the port of Skagit county for the operation of the historical railway from Sedro Woolley to Concrete. Any portion of the grant not spent ending June 30, 1981, shall be returned to the general fund of the state of Washington. Any net profit, up to the amount expended in the grant to the port of Skagit county for the operation of the historical railway, but not to exceed \$15,000, earned by the railway ending June 30, 1981, shall be reimbursed to the general fund of the state of Washington.

(6) Not more than \$228,000 shall be expended for an experimental campsite reservation system for Washington residents.

(7) Not more than \$80,000 shall be expended for operation of the Goldendale observatory.

***Section 85 was partially vetoed, see message at end of chapter.**

NEW SECTION. Sec. 86. FOR THE OFFICE OF ARCHAEOLOGY AND HISTORIC PRESERVATION

General Fund Appropriation—State	\$	100,000
General Fund Appropriation—Federal	\$	2,340,000
General Fund—State and Local Improvements Revolving Account Appropriation—Public Recreation Facilities: Appropriated pursuant to section 4(3), chapter 129, Laws of 1972 ex. sess.	\$	432,000

Total Appropriation \$ 2,872,000

NEW SECTION. Sec. 87. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

General Fund—Outdoor Recreation Account

Appropriation \$ 27,997,000

The appropriation contained in this section shall be subject to the following condition or limitation: Not more than \$1,094,000 is to be expended for administration.

NEW SECTION. Sec. 88. FOR THE DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

General Fund Appropriation—State \$ 3,777,000

General Fund Appropriation—Federal \$ 213,000

Motor Vehicle Fund Appropriation \$ 380,000

Total Appropriation \$ 4,370,000

NEW SECTION. Sec. 89. FOR THE DEPARTMENT OF FISHERIES

General Fund Appropriation—State \$ 35,288,000

General Fund Appropriation—Federal \$ 4,154,000

General Fund Appropriation—Private/Local \$ 1,241,000

General Fund—Lewis River Hatchery Account Appropriation \$ 28,000

Vessel, Gear, License, and Permit Reduction Fund Appropriation \$ 756,000

Total Appropriation \$ 41,467,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) Not more than \$348,000 of the general fund—state appropriation may be used for renovation of the Olympia office.

(2) The appropriations contained in this section shall include \$300,000 directed to a volunteer cooperative salmon enhancement program. No compensation shall be given by the department to volunteer participants in the program: PROVIDED, That fertilized salmon eggs and other necessary materials shall be furnished at no cost.

NEW SECTION. Sec. 90. FOR THE DEPARTMENT OF GAME

General Fund Appropriation—State \$ 29,000

General Fund—ORV (Off-Road Vehicle)

Account Appropriation \$ 101,000

Game Fund Appropriation—State \$ 27,151,000

Game Fund Appropriation—Federal \$ 6,483,000

Game Fund Appropriation—Private/Local \$ 686,000

Game Special Wildlife Account Appropriation \$ 163,000

Total Appropriation \$ 34,613,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) \$42,000 of the state game fund—state appropriation shall be transferred to the Silver Lake flood control district in Cowlitz county to defray legal costs associated with construction and operation of a regulating structure stabilizing the level of water in Silver Lake.

(2) Not more than \$5,180,000 of this appropriation shall be expended in the administration program.

****(3) The department shall make no contractual agreements or receive any donation of real property or an interest therein which commits the department to either assuming on a current basis or to requesting funds at a future time for operating, development, or acquisition costs without prior approval of the senate ways and means committee and house appropriations committee.***

***Section 90 was partially vetoed, see message at end of chapter.**

NEW SECTION. Sec. 91. FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund Appropriation—State	\$	21,652,000
General Fund Appropriation—Federal	\$	452,000
General Fund—ORV (Off-Road Vehicle)		
Account Appropriation	\$	2,583,000
General Fund—Forest Development Account		
Appropriation	\$	10,016,000
General Fund—State Timber Reserve Account		
Appropriation	\$	2,338,000
General Fund—Landowner Contingency		
Forest Fire Suppression Account Appropriation	\$	1,000,000
General Fund—Resource Management Cost		
Account Appropriation	\$	36,994,000
General Fund—Outdoor Recreation Account		
Appropriation	\$	1,201,000
Total Appropriation	\$	76,236,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) \$1,842,000 of the general fund—state appropriation shall be expended exclusively for emergency forest fire suppression. Such funds shall also be available for interfund loans with the landowners forest fire suppression account.

(2) The recreation program shall be split into two elements for accounting and allotment purposes: Maintenance and capital enhancement.

(3) \$250,000 of the general fund—state appropriation shall be expended by the department in a program directed toward the eradication of

the star thistle weed (*centaurea solstitialis*), knapweed (*centaurea L.*), and bindweed (*convolvulus*). The department shall provide a one-third state share for problem areas to such lands which are privately owned if participating counties and individual landowners provide their equal one-third shares, and not to exceed \$30,000 for cooperative studies for control, demonstration plots, application rates, and timing, with the department of forestry and range management at Washington State University.

(4) \$1,443,000 of the general fund—state appropriation, \$89,000 of the forest development account appropriation, and \$1,215,000 of the resource management cost account appropriation shall be expended within the forest rehabilitation program for the operation of Clearwater, Larch Mountain, Indian Ridge, and Skagit county honor camps. However, \$264,000 of the general fund—state appropriation, \$15,000 of the forest development account appropriation, \$219,000 of the resource management cost account appropriation and 9 FTE staff years shall not be expended until the Skagit county honor camp is fully constructed and operating in conjunction with the department of social and health services.

(5) Up to \$2,000,000 of the forest development account appropriation shall be used as available in place of the resource management cost account appropriation with the replaced resource management cost account reverting to reserve not to be expended for any purpose.

(6) Not more than \$1,700 shall be expended for costs associated with the state board of geographic names.

(7) The department shall submit a report to the legislature detailing the findings of the mineral resource inventory no later than January 1, 1981.

(8) The department shall not use any funds appropriated by this section to purchase the services of independent fee appraisers for the purpose of reappraising the value of leased lands located within harbor areas which are devoted principally to water-dependent recreational use, except where necessary in the defense of a legal proceeding brought against the department.

NEW SECTION. Sec. 92. FOR THE FOREST PRACTICES APPEALS BOARD

General Fund Appropriation \$ 68,000

NEW SECTION. Sec. 93. FOR THE DEPARTMENT OF AGRICULTURE

General Fund Appropriation—State \$ 7,989,000

General Fund Appropriation—Federal \$ 498,000

General Fund—Feed and Fertilizer Account
Appropriation \$ 22,000

Fertilizer, Agricultural, Mineral and Lime
Fund Appropriation \$ 324,000

Commercial Feed Fund Appropriation—
State \$ 314,000

Commercial Feed Fund Appropriation—Fed-	
eral	\$ 24,000
Seed Fund Appropriation	\$ 763,000
Nursery Inspection Fund Appropriation	\$ 266,000
Grain and Hay Inspection Fund Appropriation	\$ 7,352,000
Total Appropriation	\$ 17,552,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) Not more than \$180,000 of the general fund appropriation—state shall be expended by the department for its one-third share for the special tansy ragwort control program in conjunction with those county noxious weed control boards which have placed tansy ragwort on their noxious weed list. Continued state expenditures are conditioned on the continuation of payment of an equal one-third share by participating county noxious weed control boards and individual landowners. No county noxious weed control board or individual landowners shall be eligible for the state's one-third share unless such board or landowner has developed a range management program approved by the department in cooperation with the appropriate local or other agency responsible for the conservation. \$30,000 of the \$180,000 shall be expended in cooperation with Washington State University for research into seed physiology and morphology as related to herbicide effects and the effects of mineral supplementation on pyrrolizidine alkaloid toxicity of tansy ragwort (*Senecio-Jacobaea*).

(2) \$10,000 of the general fund appropriation—state shall be expended for the continued implementation of the starling control program.

(3) Not more than \$460,000 of the general fund appropriation—state shall be expended to provide for brucellosis vaccinations, by veterinarians in private practice, to beef and dairy cattle in order to suppress the disease. Not more than \$40,000 of the general fund appropriation—state shall be expended for administration of this program. The department of agriculture shall make known the program and shall encourage beef and dairy cattle operations to participate. The department shall supply necessary vaccine and other materials certifying vaccination. The department shall adopt rules, including a schedule of costs, which shall not allow separate reimbursement to veterinarians of "trip" fees or mileage expense nor injection paraphernalia. Maximum reimbursement shall be \$2 per vaccination.

NEW SECTION. Sec. 94. FOR THE STATE PATROL

General Fund Appropriation	\$ 9,994,000
Motor Vehicle Fund Appropriation	\$ 69,897,000
Total Appropriation	\$ 79,891,000

NEW SECTION. Sec. 95. FOR THE VEHICLE EQUIPMENT SAFETY COMMISSION

Highway Safety Fund Appropriation	\$ 8,000
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NEW SECTION. Sec. 96. FOR THE TRAFFIC SAFETY COMMISSION

Highway Safety Fund Appropriation—State	\$	169,000
Highway Safety Fund Appropriation—Federal	\$	7,980,000
Total Appropriation	\$	8,149,000

NEW SECTION. Sec. 97. FOR THE DEPARTMENT OF LICENSING

General Fund Appropriation	\$	8,132,000
General Fund—Architects' License Account Appropriation	\$	149,000
General Fund—Commercial Automobile Driver Training School Account Appropriation	\$	4,000
General Fund—Opticians' Account Appropriation	\$	28,000
General Fund—Optometry Account Appropriation	\$	74,000
General Fund—Professional Engineers' Account Appropriation	\$	418,000
General Fund—Real Estate Commission Account Appropriation	\$	2,312,000
General Fund—Sanitarians' Licensing Account Appropriation	\$	16,000
General Fund—Board of Psychological Examiners Account Appropriation	\$	36,000
Game Fund Appropriation	\$	85,000
Highway Safety Fund Appropriation	\$	24,508,000
Motor Vehicle Fund Appropriation	\$	21,058,000
Motor Vehicle Fund—Vehicle Title Guarantee Account Appropriation	\$	12,000
Total Appropriation	\$	56,832,000

The appropriations contained in this section shall be subject to the following condition or limitation: Not more than \$1,698,000 shall be expended for the business licensing center.

NEW SECTION. Sec. 98. FOR THE COUNTY ROAD ADMINISTRATION BOARD

Motor Vehicle Fund Appropriation	\$	190,000
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NEW SECTION. Sec. 99. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION (INCLUDING THE STATE BOARD FOR EDUCATION)

General Fund Appropriation—State	\$	11,906,000
General Fund Appropriation—Federal	\$	6,288,000

General Fund—Traffic Safety Education Ac-

count Appropriation	\$	378,000
Total Appropriation	\$	18,572,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

- (1) Not more than \$378,000 shall be expended for the state office administration of the traffic safety education program.
- (2) Not more than \$30,000 shall be expended to collect enrollment data from all private elementary and secondary schools commencing with the 1979-80 school year.
- (3) The superintendent shall contract for services relating to proprietary educational clinics as an alternative education program for high school dropouts for not more than \$1,300,000 from funds appropriated by this section.
- (4) Local school districts may use funds appropriated pursuant to section 100 of this act for the support of instructional and public broadcasting.
- (5) Not more than \$600,000 from the appropriation contained in section 100 of this act shall be used exclusively to match federal funds allocated to the state under the provisions of sections 120 and 130 of Public Law 94-482 for the purpose of providing special vocational programs for the disadvantaged.
- (6) Not less than \$72,000 of state funds shall be expended to implement the provisions of chapter 28A.85 RCW.

NEW SECTION. Sec. 100. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—BASIC EDUCATION ALLOCATION FOR FISCAL YEARS 1980 AND 1981

General Fund Appropriation	\$	2,063,520,000
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The appropriation contained in this section shall be subject to the following conditions and limitations:

- (1) No district may grant from any fund source whatsoever any percentage salary increase greater than that provided in sections 100, 102, 103, and 106 of this act.
- (2) The allocation of moneys for a basic education allocation per annual average full time equivalent student for the 1979-80 school year shall be at 100% of formula and 100% of formula in the 1980-81 school year. One hundred percent of formula for each school district shall be determined by the superintendent of public instruction as follows:
 - (a) Respecting certificated employees: A numerical allocation of one certificated staff unit shall be established for each average annual twenty full time equivalent kindergarten, elementary, and secondary students, excluding secondary vocational full time equivalent students enrolled in a vocational program approved by the superintendent of public instruction.

(b) Respecting certificated employees: A numerical allocation of one certificated staff unit shall be established for each average annual sixteen and sixty-seven one-hundredths full time equivalent students enrolled in a vocational education program approved by the superintendent of public instruction.

(c) Respecting certificated employees: Numerical allocations of certificated staff units shall be established for districts enrolling not more than one hundred average annual full time equivalent students and for small school plants within any school district, which small plants have been judged to be remote and necessary by the state board of education as follows:

(i) For grades K-6, for enrollments of not more than sixty annual average full time equivalent students, three certificated staff units;

(ii) For grades K-6, for enrollments above sixty annual average full time equivalent students, additional certificated staff units based upon a ratio of one certificated staff unit per twenty annual average full time equivalent students;

(iii) For grades 7 and 8, for enrollments of not more than twenty annual average full time equivalent students, one certificated staff unit;

(iv) For grades 7 and 8, for enrollment above twenty annual average full time equivalent students, additional certificated staff units based upon a ratio of one certificated staff unit per twenty annual average full time equivalent students.

(d) Respecting certificated employees: Numerical allocations of certificated staff units shall be established for districts operating high schools with enrollments of not more than three hundred average annual full time equivalent students as follows:

(i) Nine and one-half certificated staff units for the first sixty annual average full time equivalent students;

(ii) Additional certificated staff units based upon a ratio of one certificated staff unit per forty-three and one-half average annual full time equivalent students.

(e) Total certificated compensation entitlement for school year 1979-80 shall be the sum of the following subsections:

(i) Maintenance of compensation shall be calculated using each district's 1978-79 base salary established in section 101 of this act times the number of certificated staff units generated in subsection (2)(a) through (d) of this section in each district times each district's particular 1979-80 average staff mix factor improved by seven and forty-three hundredths percent;

(ii) Total salary increase compensation for each district shall be calculated by multiplying the 1978-79 base salary times the total number of staff units generated in subsection (2)(a) through (d) of this section times the 1979-80 average staff mix factor, times the percentage salary increase for

each district pursuant to section 102 of this act improved by six and thirteen hundredths percent; and

(iii) Health benefits shall be calculated at the rate of \$85 per month per certificated full time equivalent staff units generated in subsection (2)(a) through (d) of this section.

(f) Total certificated compensation entitlement for school year 1980-81 shall be equal to the sum of the following subsections:

(i) Maintenance of compensation shall be calculated by using each district's 1978-79 base salary established in section 101 of this act improved by the percentage salary increase for each district pursuant to section 102 of this act, times the number of staff units generated in subsection (2)(a) through (d) of this section times each district's particular 1980-81 average staff mix factor improved by seven and seventy-eight hundredths percent;

(ii) Total salary increase compensation for each district shall be calculated by multiplying the 1978-79 base salary times the total number of staff units generated in subsection (2)(a) through (d) of this section times the 1980-81 average staff mix factor, improved by the percentage salary increase pursuant to section 102 of this act, times the percentage salary increase pursuant to section 103 of this act improved by six and forty-eight hundredths percent; and

(iii) Health benefits shall be calculated at the rate of \$95 per month per certificated full time equivalent staff units generated in subsection (2)(a) through (d) of this section.

(g) Respecting classified employees: A numerical allocation of one classified staff unit for each three certificated staff units as computed for the purposes of subsections (2) (a), (c) and (d) of this section, and one classified staff unit for each sixty vocational full time equivalent students, for each school district shall be established.

(h) Total 1979-80 basic education classified compensation entitlement for each district shall be equal to the sum of the following:

(i) Maintenance of classified compensation shall be equal to the staff units generated in subsection (2)(g) of this section times the 1978-79 average classified salary established in section 104 of this act improved by nineteen and thirty-one hundredths percent;

(ii) Total salary increase compensation shall be equal to the 1978-79 average classified salary established in section 104 of this act times the classified units established in subsection (2)(g) of this section times eight percent salary increase improved by thirteen and thirteen hundredths percent; and

(iii) Health benefits shall be calculated at the rate of \$85 per month per classified full time equivalent staff units generated in subsection (2)(g) of this section.

(i) Total 1980-81 basic education classified compensation entitlement for each district shall be equal to the sum of the following:

(i) Maintenance of classified compensation shall be equal to the staff units generated in subsection (2)(g) of this section times the 1978-79 average classified salary for each district improved by eight percent improved by nineteen and sixty-six hundredths percent;

(ii) Total salary increase compensation shall be equal to the 1978-79 average classified salary for each district improved by eight percent times the number of staff units established in subsection (2)(g) of this section, times six percent salary increase improved by thirteen and forty-eight hundredths percent; and

(iii) Health benefits shall be calculated at the rate of \$95 per month per classified full time equivalent staff units generated in subsection (2)(g) of this section.

(j) Respecting nonemployee related costs: The allocation of additional moneys for nonemployee related costs for the 1979-80 school year shall utilize the number of certificated staff units as computed for the purposes of subsections (2) (a), (c), and (d) of this section, multiplied by \$3,910 for each such certificated staff unit and shall utilize the number of certificated staff units computed for the purposes of subsection (2)(b) of this section, multiplied by \$6,893 for each such certificated staff unit.

(k) Respecting nonemployee related costs: The allocation of additional moneys for nonemployee related costs for the 1980-81 school year shall utilize the number of certificated staff units as computed for the purposes of subsections (2) (a), (c), and (d) of this section, multiplied by \$4,184 for each such certificated unit and shall utilize the number of certificated staff units computed for the purposes of subsection (2)(b) of this section multiplied by \$7,375 for each such certificated staff unit.

(3) Not more than \$10,460,000 of the appropriation contained in this section shall be expended for districts which experience an enrollment decline in the 1979-80 school year from the 1978-79 base enrollment level and in the 1980-81 school year from the 1979-80 base enrollment level. The superintendent of public instruction shall distribute funds based on certificated staff units in the 1979-80 and 1980-81 school years to such districts on the basis of current school year enrollment plus one-half the amount of the enrollment decline from the prior school year level. The superintendent of public instruction in ascertaining the full time equivalent enrollment under this section for any school district declining in enrollment at a rate of at least four percent, or three hundred full time equivalent students, whichever is less, from the immediately preceding school year, shall increase the enrollment as otherwise herein computed by fifty percent of the full time equivalent pupil enrollment loss from the previous school year.

(4) The superintendent of public instruction shall distribute not more than \$19,507,000 of the funds appropriated by this section, outside of the basic education allocation to school districts as follows:

(a) For school district emergencies, not more than \$500,000.

(b) For fire protection districts at a rate of \$1.00 per year for each student attending a school located in an unincorporated area within a fire protection district as mandated by RCW 52.36.020; not more than \$280,000 for the 1979-80 school year and not more than \$280,000 for the 1980-81 school year.

(c) Not more than \$6,138,000 shall be expended for extracurricular and extended duty pay to be distributed on the basis of \$85 per state funded full time equivalent certificated staff per year in the following programs: Basic education, secondary vocational education, general support, handicapped, and special needs.

(d) For substitute teachers, to be distributed to districts on the basis of the number of state supported employees who are classroom teachers; for fiscal year 1980, an amount not to exceed \$5,447,000 and for fiscal year 1981, an amount not to exceed \$6,562,000: PROVIDED, That such distribution shall be for not more than five days per classroom teacher and shall be reimbursable at a rate of forty dollars per day exclusively for sick leave days taken.

(e) Not more than \$300,000 for nonhigh school district billings for documented shortages caused by application of the levy lid act, chapter 325, Laws of 1977 ex. sess.

NEW SECTION. Sec. 101. For purposes of determining the 1978-79, 1979-80, and 1980-81 school year base certificated salary by district, the following definitions shall apply:

(1) Basic education certificated staff includes all full time equivalent certificated staff in the following programs:

- (a) Basic education (program 00);
- (b) Secondary vocational education (program 30);
- (c) General support (program 97).

(2) Average 1978-79 basic education certificated staff salaries means the total 1978-79 actual salaries reimbursed such staff divided by the total number of such full time equivalent basic education certificated staff.

(3) The staff mix factor table developed by the legislative evaluation and accountability program committee (LEAP) (reference LEAP Document 1) shall be employed to calculate each district's base salary for basic education certificated staff.

(4) The average staff mix factor for 1978-79, 1979-80, and 1980-81 for each district shall be calculated using the staff referenced in subsection (1) of this section for the respective school year and the table referenced in subsection (3) of this section.

(5) Each district's particular 1978-79 certificated base salary shall be calculated by dividing each district's average basic education certificated staff salaries by each district's particular average staff mix factor.

NEW SECTION. Sec. 102. (1) Certificated base salary increases for the 1979-80 school year shall be calculated on the basis of each district's 1978-79 certificated base salaries as defined in section 101 of this act.

(2) The superintendent shall establish a 1978-79 state average certificated base salary.

(3) Those school districts whose certificated 1978-79 base salary is below the state average base salary shall be entitled to receive an eight and one-half percent increase.

(4) Those school districts having 1978-79 base certificated salaries above the state average base salary shall be entitled to a six percent increase.

NEW SECTION. Sec. 103. (1) Certificated base salary increases for the 1980-81 school year shall be calculated on the basis of each district's 1979-80 base salaries as defined in subsection (3) of this section.

(2) The 1979-80 average state certificated base salary shall equal the 1978-79 state average certificated base salary improved by 7.07%.

(3) The 1979-80 base salaries shall be derived using the 1978-79 certificated base salaries adjusted by salary increases authorized by section 102 of this act.

(4) Those school districts whose certificated 1979-80 base salary is below the state average base salary shall be entitled to receive an eight and one-half percent increase.

(5) Those school districts having 1979-80 base certificated salaries above the 1979-80 state base average salary shall be entitled to a six percent increase.

NEW SECTION. Sec. 104. For purposes of determining 1979-80 and 1980-81 school year classified salary by district, the following shall apply: School year 1978-79 basic education average classified salaries in each district shall be equal to the sum of each district's full time equivalent staff's classified salaries divided by the total number of such full time equivalent staff in the following programs:

- (1) Basic education (program 00);
- (2) General support (program 97);
- (3) Secondary vocational education (program 30).

NEW SECTION. Sec. 105. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

General Fund Appropriation \$ 34,852,000

The appropriation contained in this section shall be subject to the following condition or limitation: The appropriation contained in this section shall be expended for classified and certificated salary and fringe benefit increases and health benefits for state-funded classified and certificated staff not funded through the basic education allocation of section 100 of this act:

PROVIDED, That certificated and classified staff of a district shall be eligible for the same percentage salary and fringe benefit increases and health benefit rates specified in this act for certificated and classified staff in a particular district funded through the basic education allocation: **PROVIDED FURTHER**, That staff employed by an educational service district shall be entitled to salary and fringe benefit increases based on a 7% salary increase in each year.

NEW SECTION. Sec. 106. Notwithstanding any other provision of this act, local districts whose base salaries during the 1979-80 school year or 1980-81 school year are less than the state-wide average base salary for certificated staff, as determined in sections 102 and 103 of this act, may use: (1) Special levy funds, and/or (2) ending cash balances from the prior school year, to provide additional salary increases to state-funded certificated and classified employees, the total therefrom not to exceed one and one-half percent of the prior school year's actual average district salary.

NEW SECTION. Sec. 107. The appropriations, and all conditions and limitations to the appropriations, contained in sections 100 through 106 of this act are subject to the following: Each school district which receives fall 1979 or calendar year 1980 maintenance and operation excess tax levy collections, or both, shall reduce the levy and collection of any maintenance and operation excess tax levy now or hereafter authorized for collection in 1980 as a condition to the receipt of one hundred percent of the district's state-funded portion of the district's basic education allocation for the 1979-80 school year, as follows:

(1) If a district receives maintenance and operation levy collections in the fall of 1979, an amount of funds from such collections equal to eight percent of the district's 1979-80 basic education allocation pursuant to RCW 28A.41.130 multiplied by such district's fall tax collection percentage rate as determined by the superintendent of public instruction or the amount of the district's fall 1979 collections, whichever amount is less, shall be held in an unencumbered status for expenditure for maintenance and operation relief in a subsequent school year: **PROVIDED**, That the amount of any 1980 maintenance and operation excess levy now or hereafter authorized and collectible in calendar year 1980 in accordance with RCW 84.52.053 and 84.52.0531 for collection in calendar year 1980 shall be reduced by the amount of eight percent of such district's 1979-80 basic education allocation or the amount authorized, whichever is less.

(2) The superintendent of public instruction shall withhold from each district's state funded basic education allocation entitlement for 1979-80 an amount equal to the amount the district's calendar year 1980 maintenance and operation excess tax levy is to be reduced pursuant to this section minus the amount in which the district actually reduced the levy and collection of any such taxes.

NEW SECTION. Sec. 108. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PUPIL TRANSPORTATION

General Fund Appropriation \$ 145,847,000

The appropriation contained in this section shall be subject to the following conditions and limitations:

(1) The superintendent shall not distribute more than \$70,237,000 to local school districts for pupil transportation during the 1979–80 school year.

(2) Not more than \$534,000 shall be expended for regional transportation coordinators.

(3) Not more than \$77,000 shall be expended for driver training.

(4) \$261,000 shall be transferred to the department of transportation for allocation to existing mass transit municipalities to conduct feasibility studies to determine the advantages, if any, of consolidating or integrating all or any part of the K–12 pupil transportation system within the boundaries of the municipality: PROVIDED, That not less than \$30,000 shall be allocated to the Grays Harbor transportation authority to be used as a pilot study.

(5) Not more than \$105,000 shall be expended for the continued planning, development and evaluation of the regional transportation model by educational service district no. 121; and not more than \$60,000 shall be expended for administrative and organizational services by educational service district no. 121 in the implementation of the regional transportation model: PROVIDED, That the superintendent of public instruction shall explicitly approve such contracts: PROVIDED FURTHER, That regular reports shall be made to the legislative budget committee: PROVIDED FURTHER, That no funds for the implementation of the regional transportation model shall be expended without the recommendation of the legislative budget committee.

NEW SECTION. Sec. 109. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR VOCATIONAL–TECHNICAL INSTITUTES AND ADULT EDUCATION AT VOCATIONAL–TECHNICAL INSTITUTES

General Fund Appropriation \$ 34,706,000

NEW SECTION. Sec. 110. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL FOOD SERVICE PROGRAMS

General Fund Appropriation—State \$ 6,497,000

General Fund Appropriation—Federal \$ 60,893,000

Total Appropriation \$ 67,390,000

NEW SECTION. Sec. 111. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR HANDICAPPED EXCESS COSTS

General Fund Appropriation—State \$ 124,545,000

General Fund Appropriation—Federal \$ 26,521,000

Total Appropriation \$ 151,066,000

The appropriations contained in this section shall be subject to the following condition or limitation: The superintendent of public instruction shall implement for the 1980-81 school year a new full cost allocation model to fulfill the provisions of P.L. 94-142.

NEW SECTION. Sec. 112. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE TRAFFIC SAFETY PROGRAM

General Fund—Traffic Safety Education Ac-

count Appropriation \$ 13,614,000

The appropriation contained in this section shall be subject to the following condition or limitation: Not more than \$392,000 shall be expended for traffic safety education coordinators.

NEW SECTION. Sec. 113. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR EDUCATIONAL SERVICE DISTRICTS

General Fund Appropriation \$ 9,386,000

NEW SECTION. Sec. 114. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE SPECIAL NEEDS PROGRAM

General Fund Appropriation—State \$ 26,300,000

General Fund Appropriation—Federal \$ 6,000,000

Total Appropriation \$ 32,300,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) Not more than \$4,500,000 shall be expended for pupils whose primary language is other than English and whose English language skills are sufficiently deficient or absent to impair learning when taught only in English, but shall not include pupils who are equally or almost equally competent in English.

(2) Not more than \$12,000,000 of state general funds shall be expended for the implementation of Substitute House Bill No. 663.

(3) Not more than \$7,300,000 shall be expended to implement the provisions of RCW 28A.41.270 through 28A.41.290: PROVIDED, That not more than \$750,000 from this appropriation may be used for Project Excel community involvement pilot projects in selected school districts.

(4) Not more than \$2,500,000 shall be expended on programs for gifted students, of which the superintendent shall contract \$230,000 for services to support an approved gifted program to be conducted at Fort Worden state park.

NEW SECTION. Sec. 115. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR STATE INSTITUTIONAL EDUCATION PROGRAMS

General Fund Appropriation—State.....	\$	13,330,000
General Fund Appropriation—Federal.....	\$	3,316,000
Total Appropriation	\$	16,646,000

NEW SECTION. Sec. 116. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR CULTURAL ENRICHMENT PROGRAMS

General Fund Appropriation	\$	1,501,000
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NEW SECTION. Sec. 117. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE PACIFIC SCIENCE CENTER

General Fund Appropriation	\$	300,000
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NEW SECTION. Sec. 118. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR COMPREHENSIVE PLANNING AND DEVELOPMENT

General Fund Appropriation	\$	144,000
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NEW SECTION. Sec. 119. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE ENUMERATED PURPOSES

General Fund Appropriation—Federal.....	\$	97,443,000
Elementary and Secondary		
Education Act of 1965.....	\$	93,338,000
Education of Indian Children	\$	1,625,000
Adult Basic Education	\$	2,480,000

NEW SECTION. Sec. 120. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE ENVIRONMENTAL EDUCATION PROGRAM

General Fund Appropriation	\$	576,000
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The appropriation contained in this section shall be subject to the following condition or limitation: The revenue from fees received in conjunction with this program shall be retained by educational service district No. 113 for the exclusive support of the Cispus Environmental Education Center.

NEW SECTION. Sec. 121. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE ENCUMBRANCE OF FEDERAL GRANTS

General Fund Appropriation—Federal.....	\$	24,221,000
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NEW SECTION. Sec. 122. COMMUNITY COLLEGE EDUCATION

The appropriations contained in sections 124 through 128 of this act shall be subject to the following conditions and limitations:

(1) The formula funding levels for each year of the biennium are:

(a) Instruction program:

- (i) 72% of formula entitlement for faculty staffing;
- (ii) 51.5% of formula entitlement for support staff and operations;

(b) Library program:

- (i) 50% of formula entitlement for staffing;
- (ii) 60% of formula entitlement for resources; and
- (iii) 100% of formula entitlement for binding;

(c) Student services program 55.8% of formula entitlements; and

(d) Plant operation and maintenance program:

- (i) 100% of formula entitlement for fixed costs; and
- (ii) 60% of formula entitlement for variable costs.

(2) The state board for community college education is authorized to transfer up to 5% of the funds generated by the formula entitlements set forth in subsection (1) of this section between programs, upon review and approval by the office of financial management.

(3) The community college system shall cooperate with the state energy office and participate in the programs established by Title III of the National Energy Conservation Policy Act.

(4) The state board for community college education is authorized and directed to provide each student, upon payment of such student's tuition, a statement containing information showing the amount of dollar support provided by state taxpayers toward the cost of the education provided to an average full time equivalent student.

(5) The community college system may provide student employees equivalent percentage salary increases.

NEW SECTION. Sec. 123. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION—FOR THE ADMINISTRATION AND GENERAL EXPENSE PROGRAM

General Fund Appropriation \$ 2,428,000

NEW SECTION. Sec. 124. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION—FOR THE INSTRUCTIONAL SERVICES PROGRAM

General Fund Appropriation \$ 197,098,000

The appropriation contained in this section shall be subject to the following conditions and limitations:

(1) \$7,764,000 shall be expended for the purchase and repair of instructional equipment.

(2) \$2,148,000 shall be expended for the small school adjustment to Whatcom, Olympia Technical, Big Bend, Peninsula, Grays Harbor, Wenatchee Valley, Centralia, and Lower Columbia. The distribution of such funds shall be based on a percent of formula entitlement for faculty staffing which shall be increased at the rate of one percentage point above

the 72% base level for each 100 FTE students below the 2,500 enrollment level, except that no college shall be funded in excess of 87% of formula.

NEW SECTION. Sec. 125. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION—FOR THE LIBRARY SERVICES PROGRAM

General Fund Appropriation \$ 15,962,000

NEW SECTION. Sec. 126. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION—FOR THE STUDENT SERVICES PROGRAM

General Fund Appropriation \$ 31,284,000

The appropriation contained in this section shall be subject to the following condition or limitation: Not more than \$105,000 shall be expended by the state board for community college education for the community college system minority affairs office.

NEW SECTION. Sec. 127. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION—FOR THE INSTITUTIONAL SUPPORT PROGRAM

General Fund Appropriation \$ 45,792,000

NEW SECTION. Sec. 128. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION—FOR THE PLANT OPERATIONS AND MAINTENANCE PROGRAM

General Fund Appropriation \$ 29,159,000

Community College Capital Projects Account
 Appropriation \$ 9,800,000
 Total Appropriation \$ 38,959,000

NEW SECTION. Sec. 129. HIGHER EDUCATION

The appropriations contained in sections 130 through 163 of this act shall be subject to the following conditions and limitations:

- (1) The formula funding levels, unless otherwise provided for, for each year of the biennium are:
 - (a) Instruction and departmental research—General program:
 - (i) 70% of formula entitlement for faculty staffing for the University of Washington and Washington State University;
 - (ii) 72% of formula entitlement for faculty staffing for the four-year state regional universities and The Evergreen State College; and
 - (iii) 75% of formula entitlement for faculty support;
 - (b) Libraries program—60% of formula entitlement for resources;
 - (c) Student services program—75% of formula entitlement: PROVIDED, That the formula shall not apply to The Evergreen State College;
 - (d) Plant operations and maintenance program:
 - (i) 60% of formula entitlement for variable costs; and
 - (ii) 100% of formula entitlement for fixed costs.

(2) The four-year institutions of higher education are authorized to transfer up to 5% of the amount appropriated for any specific program or programs upon review and approval by the office of financial management.

(3) No funds shall be used for the inauguration or operation of any new degree program until such program has been reviewed and favorably recommended by the council for postsecondary education.

(4) The four-year institutions of higher education shall cooperate with the state energy office and participate in the programs established by Title III of the National Energy Conservation Policy Act.

(5) The boards of regents of all institutions of higher education are authorized and directed to provide each student, upon payment of such student's tuition, a statement containing information showing the amount of dollar support provided by state taxpayers toward the cost of the education provided to an average full time equivalent student.

(6) The four-year institutions may provide graduate assistance, teaching assistance, and student employees equivalent percentage salary increases.

NEW SECTION. Sec. 130. FOR THE UNIVERSITY OF WASHINGTON—FOR THE INSTRUCTIONAL SERVICES PROGRAM

General Fund Appropriation	\$	185,247,000
Accident Fund Appropriation	\$	839,000
Medical Aid Fund Appropriation	\$	839,000
Total Appropriation	\$	186,925,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) \$2,724,000 shall be expended for instructional equipment replacement.

(2) \$532,000 shall be expended for the joint center for graduate study—Richland.

(3) \$1,500,000 shall be expended for family medicine education and residency programs provided for by chapter 70.112 RCW.

(4) \$320,000 shall be expended to meet federal title nine regulations for women's athletics.

NEW SECTION. Sec. 131. FOR THE UNIVERSITY OF WASHINGTON—FOR THE LIBRARIES PROGRAM

General Fund Appropriation	\$	19,050,000
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The funds appropriated by this section are based in part on a formula entitlement derived by the use of the libraries budget model and the funding level contained in this section is at 65% of such formula entitlement for binding and is at 89% of such formula entitlement for staffing for the 1979–81 biennium.

NEW SECTION. Sec. 132. FOR THE UNIVERSITY OF WASHINGTON—FOR THE STUDENT SERVICES PROGRAM

General Fund Appropriation \$ 12,114,000

NEW SECTION. Sec. 133. FOR THE UNIVERSITY OF WASHINGTON—FOR THE UNIVERSITY HOSPITAL PROGRAM

General Fund Appropriation \$ 18,645,000

NEW SECTION. Sec. 134. FOR THE UNIVERSITY OF WASHINGTON—FOR THE INSTITUTIONAL SUPPORT PROGRAM

General Fund Appropriation \$ 23,533,000

NEW SECTION. Sec. 135. FOR THE UNIVERSITY OF WASHINGTON—FOR THE PLANT OPERATIONS AND MAINTENANCE PROGRAM

General Fund Appropriation \$ 14,653,000

University of Washington Building Account

Appropriation \$ 18,000,000

Total Appropriation \$ 32,653,000

NEW SECTION. Sec. 136. FOR WASHINGTON STATE UNIVERSITY—FOR THE INSTRUCTIONAL SERVICES PROGRAM

General Fund Appropriation \$ 113,786,000

The appropriation contained in this section shall be subject to the following conditions and limitations:

- (1) \$2,186,000 shall be expended for instructional equipment replacement.
- (2) \$422,000 shall be expended for the Joint Center for Graduate Study—Richland.
- (3) \$724,000 shall be expended for the support of Washington State University's participation in the WAMI program.
- (4) \$30,000 shall be expended for Christmas tree research.
- (5) \$300,000 shall be expended to meet federal title nine regulations for women's athletics.
- (6) In addition to maintaining the types and levels of service provided during the 1977-79 biennium, \$300,000 shall be expended for equipment and improvements at the Southwest Washington research station.
- (7) \$25,000 shall be expended to research the protection and growing of grapes and wine production. Such funds shall not be expended until an additional \$25,000 is secured from private funding sources.
- (8) \$120,000 shall be expended to research health-related problems, including chronic pharyngitis, of racing and performing horses. Such funds

shall not be expended until an additional \$40,000 is secured from private funding sources.

(9) \$650,000 shall be expended for the Washington animal disease diagnostic laboratory.

NEW SECTION. Sec. 137. FOR WASHINGTON STATE UNIVERSITY—FOR THE LIBRARIES PROGRAM

General Fund Appropriation \$ 9,344,000

The funds appropriated by this section are based in part on a formula entitlement derived by the use of the libraries budget model and the funding level contained in this section is at 27.5% of such formula entitlement for binding and is at 72% of such formula entitlement for staffing for the 1979–81 biennium.

NEW SECTION. Sec. 138. FOR WASHINGTON STATE UNIVERSITY—FOR THE STUDENT SERVICES PROGRAM

General Fund Appropriation \$ 6,969,000

NEW SECTION. Sec. 139. FOR WASHINGTON STATE UNIVERSITY—FOR THE INSTITUTIONAL SUPPORT PROGRAM

General Fund Appropriation \$ 14,461,000

NEW SECTION. Sec. 140. FOR WASHINGTON STATE UNIVERSITY—FOR THE PLANT OPERATIONS AND MAINTENANCE PROGRAM

General Fund Appropriation \$ 19,099,000

Washington State University Building Account

Appropriation \$ 3,500,000

Total Appropriation \$ 22,599,000

NEW SECTION. Sec. 141. FOR EASTERN WASHINGTON UNIVERSITY—FOR THE INSTRUCTIONAL SERVICES PROGRAM

General Fund Appropriation \$ 28,134,000

The appropriation contained in this section shall be subject to the following condition or limitation: \$1,122,000 shall be expended for instructional equipment replacement.

NEW SECTION. Sec. 142. FOR EASTERN WASHINGTON UNIVERSITY—FOR THE LIBRARIES PROGRAM

General Fund Appropriation \$ 2,715,000

The funds appropriated by this section are based in part on a formula entitlement derived by the use of the libraries budget model and the funding level contained in this section is at 87% of such formula entitlement for binding and is at 61% of such formula entitlement for staffing in the 1979–81 biennium.

NEW SECTION. Sec. 143. FOR EASTERN WASHINGTON UNIVERSITY—FOR THE STUDENT SERVICES PROGRAM

General Fund Appropriation \$ 2,929,000

NEW SECTION, Sec. 144. FOR EASTERN WASHINGTON UNIVERSITY—FOR THE INSTITUTIONAL SUPPORT PROGRAM

General Fund Appropriation \$ 5,198,000

NEW SECTION, Sec. 145. FOR EASTERN WASHINGTON UNIVERSITY—FOR THE PLANT OPERATIONS AND MAINTENANCE PROGRAM

General Fund Appropriation \$ 8,358,000

Eastern Washington University Capital Projects

Account Appropriation \$ 700,000

Total Appropriation \$ 9,058,000

NEW SECTION, Sec. 146. FOR CENTRAL WASHINGTON UNIVERSITY—FOR THE INSTRUCTIONAL SERVICES PROGRAM

General Fund Appropriation \$ 24,730,000

The appropriation contained in this section shall be subject to the following condition or limitation: \$1,060,000 shall be expended for instructional equipment replacement.

NEW SECTION, Sec. 147. FOR CENTRAL WASHINGTON UNIVERSITY—FOR THE LIBRARIES PROGRAM

General Fund Appropriation \$ 3,398,000

The funds appropriated by this section are based in part on a formula entitlement derived by the use of the libraries budget model and the funding level contained in this section is at 95% of such formula entitlement for binding and is at 60% of such formula entitlement for staffing in the 1979–81 biennium.

NEW SECTION, Sec. 148. FOR CENTRAL WASHINGTON UNIVERSITY—FOR THE STUDENT SERVICES PROGRAM

General Fund Appropriation \$ 2,902,000

NEW SECTION, Sec. 149. FOR CENTRAL WASHINGTON UNIVERSITY—FOR THE INSTITUTIONAL SUPPORT PROGRAM

General Fund Appropriation \$ 5,555,000

NEW SECTION, Sec. 150. FOR CENTRAL WASHINGTON UNIVERSITY—FOR THE PLANT OPERATIONS AND MAINTENANCE PROGRAM

General Fund Appropriation \$ 6,964,000

NEW SECTION, Sec. 151. FOR THE EVERGREEN STATE COLLEGE—FOR THE INSTRUCTIONAL SERVICES PROGRAM

General Fund Appropriation \$ 8,487,000

The appropriation contained in this section shall be subject to the following condition or limitation: \$421,000 shall be expended for instructional equipment replacement.

NEW SECTION. Sec. 152. FOR THE EVERGREEN STATE COLLEGE—FOR THE LIBRARIES PROGRAM

General Fund Appropriation \$ 2,385,000

The funds appropriated by this section are based in part on a formula entitlement derived by the use of the libraries budget model and the funding level contained in this section is at 10% of such formula entitlement for bindings and is at 64% of such formula entitlement for staffing in the 1979–81 biennium.

NEW SECTION. Sec. 153. FOR THE EVERGREEN STATE COLLEGE—FOR THE STUDENT SERVICES PROGRAM

General Fund Appropriation \$ 1,360,000

NEW SECTION. Sec. 154. FOR THE EVERGREEN STATE COLLEGE—FOR THE INSTITUTIONAL SUPPORT PROGRAM

General Fund Appropriation \$ 3,367,000

NEW SECTION. Sec. 155. FOR THE EVERGREEN STATE COLLEGE—FOR THE PLANT OPERATIONS AND MAINTENANCE PROGRAM

General Fund Appropriation \$ 4,535,000

NEW SECTION. Sec. 156. FOR THE EVERGREEN STATE COLLEGE—FOR A MASTER'S DEGREE PROGRAM

General Fund Appropriation \$ 296,000

NEW SECTION. Sec. 157. FOR WESTERN WASHINGTON UNIVERSITY—FOR THE INSTRUCTIONAL SERVICES PROGRAM

General Fund Appropriation \$ 33,105,000

The appropriation contained in this section shall be subject to the following condition or limitation: \$653,000 shall be expended for instructional equipment replacement.

NEW SECTION. Sec. 158. FOR WESTERN WASHINGTON UNIVERSITY—FOR THE LIBRARIES PROGRAM

General Fund Appropriation \$ 4,221,000

The funds appropriated by this section are based in part on a formula entitlement derived by the use of the libraries budget model and the funding level contained in this section is at 35% of such formula entitlement for binding and is at 75% of such formula entitlement for staffing in the 1979–81 biennium.

NEW SECTION. Sec. 159. FOR WESTERN WASHINGTON UNIVERSITY—FOR THE STUDENT SERVICES PROGRAM

General Fund Appropriation \$ 4,173,000

NEW SECTION. Sec. 160. FOR WESTERN WASHINGTON UNIVERSITY—FOR THE INSTITUTIONAL SUPPORT PROGRAM

General Fund Appropriation \$ 6,727,000

NEW SECTION. Sec. 161. FOR WESTERN WASHINGTON UNIVERSITY—FOR THE PLANT OPERATIONS AND MAINTENANCE PROGRAM

General Fund Appropriation \$ 5,835,000
 Western Washington University Capital Projects Account Appropriation \$ 1,400,000
 Total Appropriation \$ 7,235,000

NEW SECTION. Sec. 162. FOR THE COMPACT FOR EDUCATION

General Fund Appropriation \$ 53,000

NEW SECTION. Sec. 163. FOR THE COUNCIL FOR POSTSECONDARY EDUCATION

General Fund Appropriation—State \$ 13,836,000
 General Fund Appropriation—Federal \$ 3,515,000
 Total Appropriation \$ 17,351,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

- (1) The council shall make the largest possible distribution of financial aid funds to the state work study program consistent with student employment opportunities.
- (2) \$350,000 of the general fund appropriation shall be expended solely to implement a displaced homemakers program.
- (3) The council shall develop a faculty salary schedule or schedules accommodating the full time regular faculty members of the public universities and The Evergreen State College, taking into consideration periodic longevity increments and traditional faculty rank differences. The proposal shall be submitted to the house and senate higher education committees and the house appropriation and senate ways and means committees for review and consideration by June 1, 1980.
- (4) The council shall review the compensation policy for students and graduate assistant employees at the state's higher education institutions. The council shall develop recommendations for uniform compensation policy at the respective institutions and shall report back to the senate ways and means and house appropriations committees no later than November 1, 1980.

(5) From such funds as are included for policy analysis, the council shall prepare a manual explaining, documenting, and defining current formula procedures in the institutions of higher education for the instruction, libraries, student services, and plant operation and maintenance programs.

NEW SECTION. Sec. 164. FOR THE COMMISSION FOR VOCATIONAL EDUCATION

General Fund Appropriation—State	\$	3,243,000
General Fund Appropriation—Federal	\$	21,416,000
Total Appropriation	\$	24,659,000

The appropriations contained in this section shall be subject to the following condition or limitation: No state funds shall be expended by the advisory council for vocational education.

NEW SECTION. Sec. 165. FOR THE HIGHER EDUCATION PERSONNEL BOARD

Higher Education Personnel Board Service

Fund Appropriation	\$	1,151,000
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NEW SECTION. Sec. 166. FOR THE STATE LIBRARY

General Fund Appropriation—State	\$	6,343,000
General Fund Appropriation—Federal	\$	2,057,000
General Fund Appropriation—Private/Local	\$	876,000
Washington Library Network Computer System Revolving Fund Appropriation—		
Private/Local	\$	7,460,000
Total Appropriation	\$	16,736,000

NEW SECTION. Sec. 167. FOR THE WASHINGTON STATE ARTS COMMISSION

General Fund Appropriation—State	\$	1,218,000
General Fund Appropriation—Federal	\$	907,000
General Fund—Indian Cultural Center Construction Account Appropriation—State	\$	1,000,000
Total Appropriation	\$	3,125,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) Not more than \$10,000 shall be expended for a portrait of former governor Daniel J. Evans.

(2) The Indian Cultural Center Construction Account Appropriation contained in this section shall be expended exclusively for a grant to the city of Seattle for the development of a regional Indian cultural, educational, tourist, and economic development facility by the United Indians of All Tribes Foundation designated as the "People's Lodge."

(3) If \$2,700,000 or more in additional federal and/or private funding is not secured within five years of the effective date of this 1979 act and applied towards the completion of the "People's Lodge," ownership of the property and/or facility developed with this appropriation shall be transferred to the state.

NEW SECTION. Sec. 168. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

General Fund Appropriation \$ 531,000

NEW SECTION. Sec. 169. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

General Fund Appropriation \$ 495,000

NEW SECTION. Sec. 170. FOR THE STATE CAPITAL HISTORICAL ASSOCIATION

General Fund Appropriation \$ 436,000

General Fund—State Capital Historical Association Museum Account Appropriation \$ 49,000

Total Appropriation \$ 485,000

NEW SECTION. Sec. 171. FOR THE STATE TREASURER—TRANSFERS

General Fund Appropriation: For transfer to the Reserve for Accrued Revenue Account pursuant to chapter 70, Laws of 1975-'76 2nd ex. sess. \$ 45,978,000

General Fund—Trust Land Purchase Account Appropriation: For transfer to the general fund on or before June 29, 1981, an amount up to \$1,800,000 in excess of the cash requirements in the trust land purchase account, as determined by the office of financial management \$ 1,800,000

General Fund Appropriation: For transfer to the Salmon Enhancement Construction Account to allow for the completion of approved projects \$ 600,000

General Fund—Investment Reserve Account Appropriation: For transfer to the general fund on or before June 29, 1981, an amount up to \$22,000,000 pursuant to chapter 50, Laws of 1969 \$ 22,000,000

Motor Vehicle Fund Appropriation: For transfer to the Tort Claims Revolving Fund for claims paid on behalf of the Department of Transportation and the Washington State

Patrol during the period July 1, 1979, through June 30, 1981	\$	3,000,000
State Treasurer's Service Fund Appropriation: For transfer to the general fund on or before July 20, 1981, an amount up to \$6,000,000 in excess of the cash requirements in the State Treasurer's Service Fund for fiscal year 1982, for credit to the fiscal year in which earned	\$	6,000,000
Motor Vehicle Fund Appropriation: For transfer to the Grade Crossing Protective Fund for appropriation to the Utilities and Transpor- tation Commission for the 1979-81 biennium to carry out the provisions of RCW 81.53- .261, 81.53.271, 81.53.281, and 81.53.291	\$	592,000

NEW SECTION. Sec. 172. FOR BELATED CLAIMS

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 act to June 30, 1981, except as otherwise noted.

To reimburse the general fund for expenditures from belated claims appropriations to be disbursed on vouchers approved by the office of financial management:

General Fund—Electrical License Account	\$	1,209.30
General Fund—State Timber Reserve Ac- count	\$	44,448.93
General Fund—Optometry Account	\$	391.55
General Fund—Public Facilities Construc- tion Loan and Grant Revolving Account	\$	1,148.00
General Fund—Real Estate Commission Ac- count	\$	1,640.73
General Fund—Reclamation Revolving Ac- count	\$	10,602.30
General Fund—Sanitations Licensing Ac- count	\$	560.35
General Fund—Landowners' Forest Fire Suppression Account	\$	18,173.52
General Fund—Motor Transport Account	\$	1,494.41
General Fund—Aeronautics Account	\$	72,609.00
General Fund—Resource Management Cost Account	\$	12,500.53
General Fund—Litter Control Account	\$	1,207.35
General Fund—Traffic Safety Education Ac- count	\$	483.77

General Fund—State and Local Improve- ments Revolving Account—Waste Disposal Facilities	\$	28.15
General Fund—Outdoor Recreation Account	\$	5,381.57
General Fund—State Building Authority Construction Account	\$	1,475.00
General Fund—Vehicle Title Guarantee Ac- count	\$	3,300.00
Fertilizer, Agriculture, Mineral and Lime Fund	\$	74.00
Seed Fund	\$	16.00
Seattle Armory Fund	\$	1,372.84
State Game Fund	\$	22,762.36
Grain and Hay Inspection Fund	\$	54.00
Highway Safety Fund	\$	1,490.51
Motor Vehicle Fund	\$	31,683.91
Public Service Revolving Fund	\$	4,009.25
Unemployment Compensation Administration Fund	\$	41,775.63
Clark-McNary Fund	\$	25,338.83
State Treasurer's Service Fund	\$	1,070.59
State Coastal Protection Fund	\$	262.98
General Administration Facilities and Services Revolving Fund	\$	9,946.27
Liquor Revolving Fund	\$	2,282.93
Accident Fund	\$	6,999.73
Medical Aid Fund	\$	2,497.78
Retirement System Expense Fund	\$	1,641.30
Teachers' Retirement Fund	\$	413.42
The Retirement System Fund	\$	587.21
Total Appropriation	\$	330,934.00

NEW SECTION. Sec. 173. 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 July 1, 1979, to June 30, 1981.

SUNDRY CLAIMS

General Fund Appropriations, except as otherwise provided, for relief of various individuals, firms, and corporations for sundry claims and for the reason that the state of Washington recognizes a moral obligation to these claimants. These appropriations are to be disbursed on vouchers approved by the chief fiscal officer of the executive branch, except as otherwise provided, as follows:

- (1) HAROLD GIVENS, CARL KASZYCKI,
Judgment against the state in Residents for

a Planned Peninsula et al. vs. DSHS	\$	15,770.00
(2) ARCHITECTURAL WOODS, INC., Judgment against the state in Architectural Woods vs. the State: PROVIDED, That the chief fiscal officer of the executive branch is authorized and directed to draw up a separate voucher, such voucher to be presigned by Architectural Woods, Inc. or by its directors prior to the release of the warrant, which voucher shall state: "By the acceptance of this amount the undersigned release the state of Washington and all political subdivisions thereof, and their agents, from any further claims, except that the state may become liable for interest payment accruing from October 27, 1977, if, and only if, it is so ordered by the Supreme Court of Washington."	\$	36,615.23
(3) DAVID PARKER AND DENTON P. ANDREWS, Payment of writ of mandate for costs assessed against the state in State vs. David C. Parker	\$	616.23
(4) EVERGREEN PLAZA INVESTORS AND EVERGREEN DEVELOPMENT CORP., Judgment against the state in Evergreen Plaza Investors vs. Washington State Higher Education Assistance Authority, et al., for breach of contract	\$	7,937.70
(5) LLOYD STEWART AND JOE McADAMS, Payment of costs assessed against the state in State vs. Lloyd Paul Stewart	\$	24.74
(6) THOMAS M. WRIGHT, Payment of costs assessed against the state in State ex rel. Seeze vs. Thomas Marion Wright	\$	92.00
(7) MOE BIRNBAUM, Payment of guardian ad litem services performed for the state: PROVIDED, That the state shall have subrogation rights to payment of such services against the defendant in State ex rel. Evon vs. David S. F. Fijalka	\$	200.00
(8) GRACIE BROCK AND JOHN A. BARLOW, Payment of costs assessed against the state in dismissal of murder charge	\$	774.70

- (9) CHRISTIANSEN BROTHERS, INC.,
 Judgment on settlement agreement, together
 with accrual of interest at 8% per annum
 from June 6, 1977: PROVIDED, That pay-
 ment come from the State Higher Education
 Construction Account..... \$ 204,120.00
- (10) STEVE TROUTMAN, Payment of cost
 bill and remittitur No. 44748 from
 Washington Supreme Court in State vs.
 Troutman \$ 522.94
- (11) UNION PACIFIC RAILROAD, Payment
 of settled amount for demurrage charges \$ 33,940.00
- (12) PHYLLIS ALM, Payment of retirement
 contributions: PROVIDED, That payment
 shall come from the Retirement Systems
 Fund \$ 211.27
- (13) EUGENIA STOWE, Payment of retire-
 ment contributions: PROVIDED, That pay-
 ment shall come from the Retirement
 Systems Fund \$ 90.39
- (14) NARAMORE, BAIN, BRADY AND
 JOHANSON, ARCHITECTS, Final pay-
 ment due on contract: PROVIDED, That
 payment shall come from the State Higher
 Education Construction Account: PROVID-
 ED FURTHER, That the chief fiscal officer
 of the executive branch is directed and auth-
 orized to draw up a separate voucher, such
 voucher to be presigned by Naramore, et al.,
 or its directors, prior to the release of the
 warrant, which voucher shall state: "By the
 acceptance of this amount the undersigned
 release the state of Washington and all polit-
 ical subdivisions thereof, and their agents,
 from any further claims with regard to the
 contract for services upon the physical sci-
 ences building at WSU." \$ 44,771.68
- (15) DAVID WEBB, Payment for unjust im-
 prisonment: PROVIDED, That the chief fis-
 cal officer of the executive branch is
 authorized and directed to draw up a sepa-
 rate voucher to be presigned by David Webb
 prior to the release of the warrant, which
 voucher shall state: "By the acceptance of

<p>this amount the undersigned releases the state of Washington and all political subdivisions thereof, and their agents, from any further claims with regard to payment of relief for unjust imprisonment."</p> <p>(16) DAVID ABRAHAM BLOCH, Judgment for costs of dismissal of felony charge in State vs. Bloch</p> <p>(17) RUTH PALMER, Payment pursuant to order of mandamus for costs assessed against the state in Palmer et al. vs. State Personnel Board</p> <p>(18) BURRELL FINDLAY, Payment of claim for damage to certain heavy machinery incurred while performing voluntary emergency services for the highway department: PROVIDED, That the chief fiscal officer of the executive branch is authorized and directed to draw up a separate voucher to be presigned by Mr. Burrell Findlay prior to the release of the warrant, which voucher shall state: "By the receipt of this amount, the undersigned releases the state of Washington and all political subdivisions thereof, and their agents, from any further claim with regard to property damage incurred while performing volunteer services for the highway department</p> <p>(19) DEPARTMENT OF SOCIAL AND HEALTH SERVICES, Payment for claims outstanding submitted to the department after the 60-day statutory limit: PROVIDED, That such claims shall be paid at fifty percent of their approved value: PROVIDED FURTHER, That \$90,000 shall be from federal sources</p> <p>(20) EDMOND WARD, Payment for loss of personal tools while such were under security protection of department of transportation</p> <p>(21) RUSSELL E. JOHNSON, Payment for loss of personal tools while such were under security protection of department of transportation</p>	<p>\$ 20,000.00</p> <p>\$ 110.00</p> <p>\$ 107.00</p> <p>\$ 13,000.00</p> <p>\$ 1,100,000.00</p> <p>\$ 167.84</p> <p>\$ 421.77</p>
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- (22) MRS. HARRY FOSTER, Payment of balance of deceased husband's retirement contributions: PROVIDED, That such payment shall represent full and complete satisfaction of this obligation by the state: PROVIDED FURTHER, That payment shall come from the Judges' Retirement Systems Fund \$ 1,488.99
- (23) MRS. DEL CARY SMITH, Payment in full of deceased husband's retirement contributions, such payment to come from the Judges' Retirement Systems Fund \$ 15,836.36
- (24) WILLIAM VAN KLAVEREN, Payment of retirement contributions: PROVIDED, That payment shall come from the Retirement Systems Fund \$ 550.72
- (25) FLORENCE R. STANDING, Payment for relief, plus interest, for death of the husband of Florence Standing in the amount which would have been payable under the Victims of Crimes Act if section 8, chapter 302, Laws of 1977 ex. sess. had been made retroactive to apply to Florence Standing's claim: PROVIDED, That this retroactive payment of relief measured by the Victims of Crimes Act does not preclude the claimant from seeking additional judicial relief. \$ 10,290.00
- (26) VIRGIL PRICE, Payment for watch stolen during holdup of state liquor store: PROVIDED, That payment shall come from the Liquor Revolving Fund—State \$ 150.00
- (27) GRACE AND GEORGE BURTON, For relief of the death of their daughter, payment of the amount provided for under the Victims of Crimes Act: PROVIDED, That this retroactive payment of relief does not preclude the claimant from seeking additional judicial relief \$ 1,182.00
- (28) UNITED NURSING HOMES, ET AL., Plaintiffs in Thurston County Superior Court cases 55007 and 55613, to be disbursed by the court upon recommendation of the settlement reviewer pursuant to agreed judgment entered on December 28, 1978: PROVIDED,

That the department shall seek reimbursement of not less than \$4,100,000 from federal matching funds \$ 8,200,000.00

NEW SECTION, Sec. 174. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

(1) Acquire land and construct modular building to provide temporary space during campus remodeling, and for longer range industrial-type use.

		Reappropriation	Appropriation
GF, State Bldg Constr Acct—State		-0-	7,000,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	7,000,000	7/80

(2) Complete remodeling and renovation of Old Capitol Building and provide for increased costs due to delays.

		Reappropriation	Appropriation
GF, State Bldg Constr Acct—State		3,558,000	713,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	4,271,000	9/82

(3) Complete remodeling and renovation of Insurance Building—Phase II.

		Reappropriation	Appropriation
GF, State Bldg Constr Acct—State		986,000	-0-
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
14,000	-0-	1,000,000	1/82

(4) Provide for increased costs due to delays in remodeling and renovation of Insurance Building.

		Reappropriation	Appropriation
GF, Cap Bldg Constr Acct—State		554,000	834,000

Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	1,388,000	1/82

(5) Complete air conditioning of west campus buildings.

		Reappropriation	Appropriation
GF, Cap Bldg Constr Acct—State		687,000	-0-
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
400,000	-0-	1,087,000	6/81

(6) Complete capitol campus safety circulation and master plan implementation and provide for cost increases: PROVIDED, That the department of general administration shall insure in the demolition of the courthouse that the artwork in the front of the building (the eagles) is not destroyed or damaged and such items shall be made available to the city of Tenino.

		Reappropriation	Appropriation
GF, Cap Bldg Constr Acct—State		532,000	277,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
43,000	-0-	852,000	6/81

(7) Install hardware to monitor energy consumption in state offices.

		Reappropriation	Appropriation
GF, Cap Bldg Constr Acct—State		300,000	-0-
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
655,000	-0-	955,000	6/81

(8) Replace power house equipment.

Reappropriation	Appropriation
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GF, Cap Bldg Constr Acct—State		—0—	126,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
—0—	—0—	126,000	6/81

(9) Miscellaneous repairs and renovations on the capitol campus.

		Reappropriation	Appropriation
GF, Cap Bldg Constr Acct		300,000	885,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
157,150	—0—	1,342,150	6/81

(10) Various mechanical and electrical repairs on the capitol campus.

		Reappropriation	Appropriation
GF, Cap Bldg Constr Acct—State		—0—	951,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
—0—	—0—	951,000	6/81

(11) Major electrical—rewire old buildings, rebalance and install new panels, and revise campus loop system.

		Reappropriation	Appropriation
GF, State Bldg Constr Acct—State		—0—	2,722,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
—0—	—0—	2,722,000	6/81

(12) Elevator and escalator repairs and modifications.

		Reappropriation	Appropriation
GF, Cap Bldg Constr Acct—State		—0—	506,000
Project Costs	Estimated Costs	Estimated Total	Estimated Completion

Through 6/30/79	7/1/81 and Thereafter	Costs	Date
-0-	-0-	506,000	7/82

(13) Correct garage and plaza leaks—Phase I.

		Reappropriation	Appropriation
GF, Cap Purch & Dev Acct—State		-0-	590,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	220,000	810,000	6/85

(14) Clean and seal exterior of Legislative Building.

		Reappropriation	Appropriation
GF, Cap Bldg Constr Acct—State		-0-	357,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	357,000	6/80

(15) Complete construction of Office Building No. 2.

		Reappropriation	Appropriation
GF, State Bldg Constr Acct		35,000	-0-
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
171,700	-0-	207,000	6/80

(16) Rehabilitate Capitol Lake by dredging lake bottom, disposing of sediment, and constructing settling basin and waterway improvements.

		Reappropriation	Appropriation
GF, State Bldg Constr Acct		65,000	-0-
General Fund—ORA (Int. 215)		56,000	-0-
General Fund—ORA (LWCF)		55,000	-0-
Project Costs Through	Estimated Costs 7/1/81 and	Estimated Total Costs	Estimated Completion Date

6/30/79	Thereafter		
1,845,300	-0-	2,022,000	6/80

(17) Install central chiller plant, air conditioning, and remodel legislative facilities.

		Reappropriation	Appropriation
GF, State Bldg Constr Acct		12,000	-0-
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
41,000	-0-	53,000	6/80

(18) Remodel campus buildings to ensure that all areas of the campus are accessible to the physically handicapped.

		Reappropriation	Appropriation
GF, Cap Bldg Constr Acct		60,000	-0-
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
140,000	-0-	200,000	6/80

(19) To provide minor building alterations or renovations for section 504 handicapped access compliance to existing facilities on or surrounding the capitol campus.

		Reappropriation	Appropriation
GF, Cap Bldg Constr Acct		-0-	290,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	290,000	6/81

(20) For design and construction of a general office building.

		Reappropriation	Appropriation
GF, State Bldg Constr Acct		-0-	1,800,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date

6/30/79	Thereafter		
-0-	27,200,000	29,000,000	6/81

(21) To construct visitor parking facilities and an information center on the west capitol campus.

		Reappropriation	Appropriation
GF, Cap Bldg Constr Acct		-0-	266,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	266,000	6/81

(22) Develop recreational site at Capitol Lake.

		Reappropriation	Appropriation
General Fund—ORA (HJR 52)		-0-	30,000
General Fund—ORA (LWCF)		-0-	30,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	60,000	6/81

(23) Legislative chambers art work.

		Reappropriation	Appropriation
GF, Cap Bldg Constr Acct		-0-	200,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	200,000	6/81

(24) Defense costs for two claims by contractors against the state dealing with construction of Office Building No. 2.

		Reappropriation	Appropriation
GF, Cap Bldg Constr Acct—State		-0-	250,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and	Estimated Total Costs	Estimated Completion Date

6/30/79	Thereafter		
-0-	-0-	250,000	6/81

NEW SECTION. Sec. 175. FOR THE MILITARY DEPARTMENT

(1) Construct and equip a 600-man armory at Camp Murray.

		Reappropriation	Appropriation
GF, State Bldg Constr Acct—State		225,000	-0-
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
300,000	-0-	525,000	7/79

(2) Acquire land for 400-man armory in Vancouver.

		Reappropriation	Appropriation
General Fund—State		50,000	-0-
GF, State Bldg Constr Acct—State		50,000	-0-
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	563,000	6/81

(3) Provide preconstruction funds to plan for federally funded or partial federally funded projects state-wide.

		Reappropriation	Appropriation
General Fund—State		10,000	-0-
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
29,000	20,000	59,000	6/85

(4) Acquire land for 200-man armory in Walla Walla.

		Reappropriation	Appropriation
GF, State Bldg Constr Acct—State		-0-	138,000
Project Costs Through	Estimated Costs 7/1/81 and	Estimated Total Costs	Estimated Completion Date

6/30/79	Thereafter		
10,000	622,000	770,000	9/83

(5) Replace furnace fire units at various armories.

		Reappropriation	Appropriation
General Fund—State		-0-	59,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	59,000	6/81

(6) Schematic planning for future projects.

		Reappropriation	Appropriation
General Fund—State		-0-	20,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
20,000	30,000	70,000	6/85

(7) Provide for minor construction and site improvement projects.

		Reappropriation	Appropriation
General Fund—State		56,000	70,000
GF, State Bldg Constr Acct—State		36,000	-0-
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
1,330	85,000	248,230	6/85

(8) Heating system and minor repairs for Tacoma armory.

		Reappropriation	Appropriation
GF, State Bldg Constr Acct—State		-0-	200,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	200,000	1/80

NEW SECTION. Sec. 176. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR THE ADMINISTRATIVE AND SUPPORT SERVICES PROGRAM (HEADQUARTERS)

(1) To construct and equip community social and health services facilities (Referendum 29).

		Reappropriation	Appropriation
GF, LIRA, DSHS Fac		4,200,000	-0-
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
20,800,000	-0-	25,000,000	7/81

(2) To repair and improve utilities and facilities—Omnibus.

		Reappropriation	Appropriation
DSHS Constr Acct		300,000	2,458,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
1,900,000	-0-	4,658,000	6/81

(3) To provide contingency expenses on department of social and health services construction projects.

		Reappropriation	Appropriation
DSHS Constr Acct		5,000	-0-
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
497,000	-0-	502,000	9/79

(4) To provide for preplanning funds on future construction projects.

		Reappropriation	Appropriation
DSHS Constr Acct		103,000	750,000
Project Costs Through	Estimated Costs 7/1/81 and	Estimated Total Costs	Estimated Completion Date

6/30/79	Thereafter		
80,000	-0-	933,000	6/81

(5) To provide for demonstration design and testing for solar heating and energy conservation in department of social and health services construction.

		Reappropriation	Appropriation
DSHS Constr Acct		130,000	-0-
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
586,000	-0-	716,000	1/80

(6) To provide for renovation at the Northern State facility to permit use for mental health programs.

		Reappropriation	Appropriation
DSHS Constr Acct		1,000,000	-0-
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
500,000	-0-	1,500,000	9/79

(7) To provide new water supply facilities for Medical Lake institutions.

		Reappropriation	Appropriation
DSHS Constr Acct		-0-	520,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	520,000	4/80

(8) To provide funding for department of social and health services compliance with section 504 relating to handicapped access to facilities.

		Reappropriation	Appropriation
DSHS Constr Acct		-0-	562,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date

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6/30/79	Thereafter		
-0-	-0-	562,000	6/81

NEW SECTION. Sec. 177. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR THE ADULT CORRECTIONS PROGRAM

(1) To construct and equip one 100-bed honor camp.

		Reappropriation	Appropriation
DSHS Constr Acct		3,260,000	-0-
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
40,000	-0-	3,300,000	7/80

(2) To renovate and repair roofs, Washington Corrections Center.

		Reappropriation	Appropriation
DSHS Constr Acct		255,000	-0-
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
521,000	-0-	776,000	10/79

(3) To remodel food service area and replace obsolete equipment, Washington State Penitentiary; except that, if construction has not begun by 3/1/80, all remaining funds not disbursed shall remain unexpended and shall be held in reserve.

		Reappropriation	Appropriation
DSHS Constr Acct		1,993,000	-0-
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	1,993,000	1/81

(4) For remodeling of dental areas, Washington State Penitentiary; except that, if construction has not begun by 2/1/80, all remaining funds not disbursed shall remain unexpended and shall be held in reserve.

Reappropriation Appropriation

CEP & RI Acct		145,000	-0-
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	145,000	6/80

(5) To improve security, facilities, and utilities, Washington State Penitentiary; except that, if construction has not begun by 9/1/80, all remaining funds not disbursed shall remain unexpended and shall be held in reserve.

		Reappropriation	Appropriation
DSHS Constr Acct		-0-	5,924,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
101,000	6,966,000	12,991,000	6/84

(6) To construct and equip 120-bed medium security unit, Washington Corrections Center; except that, if construction has not begun by 5/1/80, all remaining funds not disbursed shall remain unexpended and shall be held in reserve.

		Reappropriation	Appropriation
DSHS Constr Acct		42,000	3,361,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
25,000	-0-	3,427,000	9/81

(7) To convert 300-bed minimum security building at Walla Walla to medium security facility; except that, if construction has not begun by 8/1/80, all remaining funds not disbursed shall remain unexpended and shall be held in reserve.

		Reappropriation	Appropriation
DSHS Constr Acct		100,000	5,275,000
Project Costs Through	Estimated Costs 7/1/81 and	Estimated Total Costs	Estimated Completion Date

6/30/79	Thereafter		
53,000	1,690,000	7,118,000	6/83

(8) To convert former women's quarters to 100-bed minimum custody unit, Washington State Penitentiary; except that, if construction has not begun by 5/1/80, all remaining funds not disbursed shall remain unexpended and shall be held in reserve.

		Reappropriation	Appropriation
DSHS Constr Acct		321,000	1,073,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
19,000	-0-	1,412,000	3/81

(9) To construct and equip maximum security facility, Washington State Reformatory.

		Reappropriation	Appropriation
DSHS Constr Acct		8,342,000	1,654,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
2,058,000	-0-	12,054,000	7/81

(10) To provide fire and safety improvements, Washington State Penitentiary; except that, if construction has not begun by 5/1/80, all remaining funds not disbursed shall remain unexpended and shall be held in reserve.

		Reappropriation	Appropriation
General Fund—State		23,000	-0-
DSHS Constr Acct		-0-	749,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
128,000	-0-	900,000	1/81

(11) To provide fire and safety improvements, Washington State Reformatory; except that, if construction has not begun by 11/1/80, all remaining funds not disbursed shall remain unexpended and shall be held in reserve.

		Reappropriation	Appropriation
DSHS Constr Acct		-0-	1,304,000
CEP & RI Acct		350,000	-0-
Project	Estimated	Estimated	Estimated
Costs	Costs	Total	Completion
Through	7/1/81 and	Costs	Date
6/30/79	Thereafter		
27,000	-0-	1,681,000	9/81

(12) To renovate and expand visiting/dining/recreation facilities, Washington State Reformatory; except that, if construction has not begun by 12/1/80, all remaining funds not disbursed shall remain unexpended and shall be held in reserve.

		Reappropriation	Appropriation
DSHS Constr Acct		-0-	1,524,000
Project	Estimated	Estimated	Estimated
Costs	Costs	Total	Completion
Through	7/1/81 and	Costs	Date
6/30/79	Thereafter		
-0-	-0-	1,524,000	2/82

(13) To renovate and convert gang showers to individual showers, Washington State Penitentiary; except that, if construction has not begun by 6/1/80, all remaining funds not disbursed shall remain unexpended and shall be held in reserve.

		Reappropriation	Appropriation
DSHS Constr Acct		-0-	402,000
Project	Estimated	Estimated	Estimated
Costs	Costs	Total	Completion
Through	7/1/81 and	Costs	Date
6/30/79	Thereafter		
-0-	-0-	402,000	3/81

(14) To provide three prefabricated steel buildings, Washington State Reformatory; except that, if construction has not begun by 3/15/80, all remaining funds not disbursed shall remain unexpended and shall be held in reserve.

		Reappropriation	Appropriation
DSHS Constr Acct		-0-	386,000
Project	Estimated	Estimated	Estimated

Costs Through 6/30/79	Costs 7/1/81 and Thereafter	Total Costs	Completion Date
-0-	-0-	386,000	8/80

(15) To construct and equip multipurpose building, Pine Lodge Correction Center; except that, if construction has not begun by 9/1/80, all remaining funds not disbursed shall remain unexpended and shall be held in reserve.

		Reappropriation	Appropriation
DSHS Constr Acct		-0-	248,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	248,000	4/81

(16) To renovate and expand Industries Building, Washington State Penitentiary; except that, if construction has not begun by 5/1/80, all remaining funds not disbursed shall remain unexpended and shall be held in reserve.

		Reappropriation	Appropriation
General Fund—Federal		-0-	414,000
DSHS Constr Acct		-0-	305,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	719,000	11/80

(17) To renovate and repair roofs, Washington Corrections Center; except that, if construction has not begun by 11/1/79, all remaining funds not disbursed shall remain unexpended and shall be held in reserve.

		Reappropriation	Appropriation
DSHS Constr Acct		273,000	346,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
503,000	-0-	1,122,000	8/80

(18) To repair perimeter walls, Washington State Reformatory; except that, if construction has not begun by 7/1/80, all remaining funds not disbursed shall remain unexpended and shall be held in reserve.

		Reappropriation	Appropriation
DSHS Constr Acct		-0-	617,000
Project	Estimated	Estimated	Estimated
Costs	Costs	Total	Completion
Through	7/1/81 and	Costs	Date
6/30/79	Thereafter		
-0-	-0-	617,000	11/80

(19) To purchase and install an electronic perimeter security system, Washington Corrections Center.

		Reappropriation	Appropriation
DSHS Constr Acct		300,000	-0-
Project	Estimated	Estimated	Estimated
Costs	Costs	Total	Completion
Through	7/1/81 and	Costs	Date
6/30/79	Thereafter		
76,000	-0-	376,000	7/79

(20) To renovate and open work training release facility, Geiger Field.

		Reappropriation	Appropriation
DSHS Constr Acct		600,000	-0-
Project	Estimated	Estimated	Estimated
Costs	Costs	Total	Completion
Through	7/1/81 and	Costs	Date
6/30/79	Thereafter		
20,000	-0-	620,000	1/80

(21) To renovate and repair roofs, Women's Treatment Center; except that, if construction has not begun by 6/1/80, all remaining funds not disbursed shall remain unexpended and shall be held in reserve.

		Reappropriation	Appropriation
DSHS Constr Acct		-0-	112,000
Project	Estimated	Estimated	Estimated
Costs	Costs	Total	Completion
Through	7/1/81 and	Costs	Date

6/30/79	Thereafter		
-0-	-0-	112,000	10/80

(22) To provide preliminary design, site preparation, and steam plant for new 500-bed medium security facility.

		Reappropriation	Appropriation
DSHS Constr Acct		-0-	5,429,000
Project	Estimated	Estimated	Estimated
Costs	Costs	Total	Completion
Through	7/1/81 and	Costs	Date
6/30/79	Thereafter		
-0-	27,126,000	32,555,000	6/83

NEW SECTION. Sec. 178. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR THE JUVENILE REHABILITATION PROGRAM

(1) To expand and upgrade water system, Mission Creek Youth Camp; except that, if construction has not begun by 7/1/79, all remaining funds not disbursed shall remain unexpended and shall be held in reserve.

		Reappropriation	Appropriation
CEP & RI Acct		44,000	-0-
Project	Estimated	Estimated	Estimated
Costs	Costs	Total	Completion
Through	7/1/81 and	Costs	Date
6/30/79	Thereafter		
1,000	-0-	45,000	6/80

(2) To construct, and/or purchase and equip a group home in Eastern Washington in other than a class A county; except that, if construction has not begun by 10/1/80, all remaining funds not disbursed shall remain unexpended and shall be held in reserve.

		Reappropriation	Appropriation
DSHS Constr Acct		-0-	423,000
Project	Estimated	Estimated	Estimated
Costs	Costs	Total	Completion
Through	7/1/81 and	Costs	Date
6/30/79	Thereafter		
-0-	-0-	988,600	9/81

(3) To replace security windows, Maple Lane School; except that, if construction has not begun by 6/1/80, all remaining funds not disbursed shall remain unexpended and shall be held in reserve.

		Reappropriation	Appropriation
DSHS Constr Acct		-0-	231,000
Project	Estimated	Estimated	Estimated
Costs	Costs	Total	Completion
Through	7/1/81 and	Costs	Date
6/30/79	Thereafter		
-0-	-0-	231,000	9/80

(4) To construct and equip academic/vocational building, Naselle Youth Camp; except that, if construction has not begun by 8/1/80, all remaining funds not disbursed shall remain unexpended and shall be held in reserve.

		Reappropriation	Appropriation
DSHS Constr Acct		-0-	1,851,000
Project	Estimated	Estimated	Estimated
Costs	Costs	Total	Completion
Through	7/1/81 and	Costs	Date
6/30/79	Thereafter		
-0-	-0-	1,851,000	5/81

(5) To construct and equip multiservice building, Maple Lane School; except that, if construction has not begun by 7/1/80, all remaining funds not disbursed shall remain unexpended and shall be held in reserve.

		Reappropriation	Appropriation
DSHS Constr Acct		-0-	2,640,000
Project	Estimated	Estimated	Estimated
Costs	Costs	Total	Completion
Through	7/1/81 and	Costs	Date
6/30/79	Thereafter		
-0-	-0-	2,640,000	1/82

(6) To renovate and replace steam plant, Maple Lane School; except that, if construction has not begun by 1/1/80, all remaining funds not disbursed shall remain unexpended and shall be held in reserve.

		Reappropriation	Appropriation
DSHS Constr Acct		24,000	2,965,000
Project	Estimated	Estimated	Estimated

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Costs Through 6/30/79	Costs 7/1/81 and Thereafter	Total Costs	Completion Date
16,000	-0-	3,005,000	6/81

(7) To renovate and repair roofs, Maple Lane School; except that, if construction has not begun by 5/1/80, all remaining funds not disbursed shall remain unexpended and shall be held in reserve.

DSHS Constr Acct		Reappropriation	Appropriation
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	321,000	9/80

(8) To renovate and repair roofs, Green Hill School; except that, if construction has not begun by 5/1/80, all remaining funds not disbursed shall remain unexpended and shall be held in reserve.

DSHS Constr Acct		Reappropriation	Appropriation
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	502,000	9/80

(9) To provide fire and safety improvements, Maple Lane School; except that, if construction has not begun by 3/1/80, all remaining funds not disbursed shall remain unexpended and shall be held in reserve.

DSHS Constr Acct		Reappropriation	Appropriation
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	318,000	10/80

(10) For remodeling of dormitories, Mission Creek Youth Camp; except that, if construction has not begun by 11/1/79, all remaining funds not disbursed shall remain unexpended and shall be held in reserve.

		Reappropriation	Appropriation
CEP & RI Acct		13,000	-0-
DSHS Constr Acct		-0-	293,000
Project	Estimated	Estimated	Estimated
Costs	Costs	Total	Completion
Through	7/1/81 and	Costs	Date
6/30/79	Thereafter		
2,000	-0-	308,000	6/80

NEW SECTION, Sec. 179. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR THE MENTAL HEALTH PROGRAM

(1) To provide matching funds to construct and equip a mental health wing at Children's Orthopedic Hospital.

		Reappropriation	Appropriation
DSHS Constr Acct		177,000	-0-
General Fund—Federal		289,000	-0-
Project	Estimated	Estimated	Estimated
Costs	Costs	Total	Completion
Through	7/1/81 and	Costs	Date
6/30/79	Thereafter		
1,723,000	-0-	2,189,000	4/80

(2) To improve security of the mentally ill offenders facility at Eastern State Hospital.

		Reappropriation	Appropriation
DSHS Constr Acct		50,000	-0-
Project	Estimated	Estimated	Estimated
Costs	Costs	Total	Completion
Through	7/1/81 and	Costs	Date
6/30/79	Thereafter		
50,000	-0-	100,000	9/79

(3) Construct covered fuel storage and conveyor system, Western State Hospital; except that, if construction has not begun by 8/1/79, all remaining funds not disbursed shall remain unexpended and shall be held in reserve.

		Reappropriation	Appropriation
DSHS Constr Acct		350,000	230,000
Project	Estimated	Estimated	Estimated

Costs Through 6/30/79	Costs 7/1/81 and Thereafter	Total Costs	Completion Date
4,000	-0-	584,000	4/80

(4) To renovate for accreditation, Western State Hospital.

		Reappropriation	Appropriation
DSHS Constr Acct		1,200,000	-0-
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
300,000	-0-	1,500,000	1/80

(5) Design, construct, and equip 225-bed modular facility for nonoffender populations, Western State Hospital; except that, if construction has not begun by 6/1/80, all remaining funds not disbursed shall remain unexpended and shall be held in reserve.

		Reappropriation	Appropriation
DSHS Constr Acct		372,000	21,293,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
328,000	-0-	21,993,000	6/82

(6) Design, construct, and equip 130-bed modular facility for nonoffender populations, Eastern State Hospital; except that, if construction has not begun by 7/1/80, all remaining funds not disbursed shall remain unexpended and shall be held in reserve.

		Reappropriation	Appropriation
DSHS Constr Acct		100,000	12,035,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
200,000	-0-	12,335,000	7/82

(7) Renovate per accreditation requirements, Eastern State Hospital; except that, if construction has not begun by 4/1/80, all remaining funds not disbursed shall remain unexpended and shall be held in reserve.

		Reappropriation	Appropriation
DSHS Constr Acct		-0-	487,000
Project	Estimated	Estimated	Estimated
Costs	Costs	Total	Completion
Through	7/1/81 and	Costs	Date
6/30/79	Thereafter		
-0-	-0-	487,000	6/81

(8) Preliminary design and working drawings to construct elevated water tower, Western State Hospital.

		Reappropriation	Appropriation
DSHS Constr Acct		40,000	-0-
Project	Estimated	Estimated	Estimated
Costs	Costs	Total	Completion
Through	7/1/81 and	Costs	Date
6/30/79	Thereafter		
10,000	-0-	50,000	9/79

(9) Repair roofs, Western State Hospital; except that, if construction has not begun by 2/1/80, all remaining funds not disbursed shall remain unexpended and shall be held in reserve.

		Reappropriation	Appropriation
DSHS Constr Acct		-0-	1,031,000
Project	Estimated	Estimated	Estimated
Costs	Costs	Total	Completion
Through	7/1/81 and	Costs	Date
6/30/79	Thereafter		
-0-	-0-	1,031,000	12/80

NEW SECTION. Sec. 180. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR THE DEVELOPMENTAL DISABILITIES PROGRAM

(1) To provide fire and safety improvements and secondary source of power, School for the Deaf; except that, if construction has not begun by 9/15/79, all remaining funds not disbursed shall remain unexpended and shall be held in reserve.

	Reappropriation	Appropriation
General Fund—State	38,000	-0-
DSHS Constr Acct	-0-	381,000
CEP & RI Acct	41,000	-0-

Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
12,000	-0-	472,000	3/80

(2) To upgrade utilities and complete Phase I, Rainier School.

		Reappropriation	Appropriation
DSHS Constr Acct		1,400,000	-0-
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
1,791,000	-0-	3,191,000	6/81

(3) To renovate kitchen, primary area, and administration building, School for the Blind.

		Reappropriation	Appropriation
General Fund—State		1,000	-0-
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
319,000	-0-	320,000	4/80

(4) To renovate and repair facilities and utility system, School for the Blind.

		Reappropriation	Appropriation
DSHS Constr Acct		219,000	-0-
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
163,000	-0-	383,000	4/80

(5) Supplemental funding to complete construction and provide equipment for Phase I, Lakeland Village.

		Reappropriation	Appropriation
DSHS Constr Acct		500,000	1,412,000
Project	Estimated	Estimated	Estimated

Costs Through 6/30/79	Costs 7/1/81 and Thereafter	Total Costs	Completion Date
4,240,000	-0-	6,152,000	4/80

(6) To design and construct Phase II, Lakeland Village.

		Reappropriation	Appropriation
DSHS Constr Acct		-0-	9,421,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	9,421,000	3/82

(7) To design and construct Phase II, Rainier School; except that, if construction has not begun by 5/1/80, all remaining funds not disbursed shall remain unexpended and shall be held in reserve.

		Reappropriation	Appropriation
DSHS Constr Acct		-0-	10,344,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	16,832,000	6/82

(8) Roof repair for Cerebral Palsy Center, Rainier School; except that, if construction has not begun by 7/1/79, all remaining funds not disbursed shall remain unexpended and shall be held in reserve.

		Reappropriation	Appropriation
DSHS Constr Acct		-0-	379,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	379,000	2/80

(9) Repair and upgrade utilities, Phase III, Fircrest School.

		Reappropriation	Appropriation
DSHS Constr Acct		1,075,000	2,415,000
Project	Estimated	Estimated	Estimated

Costs Through 6/30/79	Costs 7/1/81 and Thereafter	Total Costs	Completion Date
400,000	-0-	3,890,000	1/82

(10) Renovation of Primary and Administration buildings, Phase II, School for the Blind; except that, if construction has not begun by 10/15/79, all remaining funds not disbursed shall remain unexpended and shall be held in reserve.

		Reappropriation	Appropriation
DSHS Constr Acct		-0-	619,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	619,000	4/80

(11) Renovate heating and ventilation system, Interlake School; except that, if construction has not begun by 1/1/81, all remaining funds not disbursed shall remain unexpended and shall be held in reserve.

		Reappropriation	Appropriation
DSHS Constr Acct		-0-	527,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	527,000	8/81

(12) Purchase land, complete preliminary design and construct one cottage, Frances Haddon Morgan Children's Center; except that, if preliminary drawings have not begun by 10/1/79, all remaining funds not disbursed shall remain unexpended and shall be held in reserve.

		Reappropriation	Appropriation
DSHS Constr Acct		-0-	1,167,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	5,389,000	6,556,000	6/83

(13) Design and construction funds for Yakima Valley School.

		Reappropriation	Appropriation
DSHS Constr Acct		-0-	1,546,000
Project	Estimated	Estimated	Estimated
Costs	Costs	Total	Completion
Through	7/1/81 and	Costs	Date
6/30/79	Thereafter		
-0-	2,193,000	3,626,000	8/82

(14) To replace roofs at Rainier School; except that, if construction has not begun by 3/1/80, all remaining funds not disbursed shall remain unexpended and shall be held in reserve.

		Reappropriation	Appropriation
DSHS Constr Acct		-0-	564,000
Project	Estimated	Estimated	Estimated
Costs	Costs	Total	Completion
Through	7/1/81 and	Costs	Date
6/30/79	Thereafter		
-0-	-0-	564,000	9/80

(15) New water service, School for the Blind; except that, if construction has not begun by 8/15/79, all remaining funds not disbursed shall remain unexpended and shall be held in reserve.

		Reappropriation	Appropriation
CEP & RI Acct		-0-	139,000
Project	Estimated	Estimated	Estimated
Costs	Costs	Total	Completion
Through	7/1/81 and	Costs	Date
6/30/79	Thereafter		
-0-	-0-	139,000	11/79

(16) Renovate laundry, Fircrest School; except that, if construction has not begun by 10/1/80, all remaining funds not disbursed shall remain unexpended and shall be held in reserve.

		Reappropriation	Appropriation
DSHS Constr Acct		-0-	422,000
Project	Estimated	Estimated	Estimated
Costs	Costs	Total	Completion
Through	7/1/81 and	Costs	Date
6/30/79	Thereafter		
-0-	-0-	422,000	4/81

(17) Enclose courtyards, Fircrest School; except that, if construction has not begun by 11/15/79, all remaining funds not disbursed shall remain unexpended and shall be held in reserve.

		Reappropriation	Appropriation
CEP & RI Acct		10,000	136,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	146,000	4/80

(18) To provide site development of a community recreation and horticulture training center for the handicapped, to be located at the former NIKE-Ajax site in South King County.

		Reappropriation	Appropriation
DSHS Constr Acct		-0-	500,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	500,000	1/81

NEW SECTION. Sec. 181. FOR THE DEPARTMENT OF VETERANS AFFAIRS

(1) To provide fire safety and health improvements at the Veterans' Home and Soldiers' Home including construction of a 78-bed nursing facility at the Veterans' Home and a 40-bed nursing addition at the Soldiers' Home.

		Reappropriation	Appropriation
General Fund—Federal		1,674,000	-0-
CEP & RI Acct		30,000	-0-
DSHS Constr Acct		853,000	-0-
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
5,065,000	-0-	7,622,000	9/79

(2) To replace boilers, Soldiers' Home.

Reappropriation	Appropriation
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CEP & RI Acct		119,000	758,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
50,000	-0-	927,000	7/82

(3) To repair and improve utilities and facilities—Omnibus.

		Reappropriation	Appropriation
CEP & RI Acct		-0-	705,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	705,000	6/81

(4) To install underground sprinkler system, Soldiers' Home.

		Reappropriation	Appropriation
CEP & RI Acct		-0-	222,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	222,000	6/80

(5) To construct and equip laundry facility, Veterans' Home.

		Reappropriation	Appropriation
CEP & RI Acct		-0-	1,094,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	1,094,000	9/81

(6) To construct activities therapy facility, Veterans' Home.

		Reappropriation	Appropriation
CEP & RI Acct		-0-	347,000
Project Costs Through 7/1/81	Estimated Costs and	Estimated Total Costs	Estimated Completion Date

6/30/79	Thereafter		
-0-	-0-	347,000	9/80

NEW SECTION. Sec. 182. FOR THE JAIL COMMISSION

	Reappropriation	Appropriation
GF, LJICA	-0-	106,000,000

NEW SECTION. Sec. 183. FOR THE DEPARTMENT OF ECOLOGY

(1) To drill four test-observation wells in the 1979-81 fiscal period and additional wells as required in ensuing bienniums.

		Reappropriation	Appropriation
General Fund—Emergency Water Project			
Revolving Fund—State		-0-	400,000
Project	Estimated	Estimated	Estimated
Costs	Costs	Total	Completion
Through	7/1/81 and	Costs	Date
6/30/79	Thereafter		
781,000	1,060,000	2,241,000	6/81

(2) Construct sanitary facilities at various state parks and department of social and health services institutions to include sewage and sink waste disposal and sewage treatment facilities.

		Reappropriation	Appropriation
General Fund—State and Local Improvement Revolving Account—Waste Disposal Facilities: Appropriated pursuant to chapter 127, Laws of 1972 ex. sess. (Ref. 26)		2,928,000	181,000
Project	Estimated	Estimated	Estimated
Costs	Costs	Total	Completion
Through	7/1/81 and	Costs	Date
6/30/79	Thereafter		
1,806,000	-0-	4,915,000	6/81

(3) Construct water supply facilities at various state parks to ensure adequate supplies of water which meet water quality standards.

Reappropriation	Appropriation
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General Fund—State and Local Improvement Revolving Account—Water Supply Facilities: Appropriated pursuant to chapter 128, Laws of 1972 ex. sess. (Ref. 27)

		490,000	-0-
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
247,000	-0-	737,000	6/81

NEW SECTION. Sec. 184. FOR THE STATE PARKS AND RECREATION COMMISSION

(1) Modernization and improvements of various state parks—State-wide.

		Reappropriation	Appropriation
General Fund—State and Local Improvement Revolving Account—Public Recreation Facilities: Appropriated pursuant to section 4(3), chapter 129, Laws of 1972 ex. sess. (Ref. 28)			
		2,290,000	-0-
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
3,664,000	-0-	5,954,000	6/81

(2) Acquisition and development of recreation sites—State-wide: PROVIDED, That the commission place first priority on the completion of development of recreation sites.

		Reappropriation	Appropriation
General Fund—ORA (LWCF)		876,000	-0-
General Fund—ORA (Ref. 28)		1,671,000	-0-
General Fund—ORA (Int. 215)		12,000	-0-
General Fund—ORA (Ref. 18)		84,000	-0-
General Fund—ORA (ATV)		48,000	-0-
Project Costs Through	Estimated Costs 7/1/81 and	Estimated Total Costs	Estimated Completion Date

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6/30/79	Thereafter		
1,512,000	-0-	4,203,000	6/81

(3) Funds required to pay unanticipated expenditures such as emergency repairs of existing facilities, contract cost overruns, and acquisition of inholdings, easements, etc.

		Reappropriation	Appropriation
General Fund—State and Local Improvement Revolving Account—Public Recreation Facilities: Appropriated pursuant to section 4(3), chapter 129, Laws of 1972 ex. sess. (Ref. 28)			
		-0-	300,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	300,000	6/81

(4) Acquire approximately 122 acres of land at Dash Point south of Dash Point State Park.

		Reappropriation	Appropriation
General Fund—ORA (HJR 52)			
General Fund—ORA (LWCF)			
General Fund—ORA (Ref. 18)			
		-0-	118,000
		187,000	117,000
		188,000	-0-
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	610,000	1/80

(5) To install insulation for residences located in various parks throughout the system.

		Reappropriation	Appropriation
General Fund—State and Local Improvement Revolving Account—Public Recreation Facilities: Appropriated pursuant to section 4(3), chapter 129, Laws of 1972 ex. sess. (Ref. 28)			
		-0-	150,000
Project	Estimated	Estimated	Estimated

Costs Through 6/30/79	Costs 7/1/81 and Thereafter	Total Costs	Completion Date
-0-	-0-	150,000	6/81

(6) Acquire approximately 330 acres and three miles of river bank at Green River Gorge.

		Reappropriation	Appropriation
General Fund—ORA (HJR 52)		-0-	516,000
General Fund—ORA (LWCF)		-0-	516,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
3,200,000	768,000	5,000,000	6/85

(7) Acquire approximately 80 acres and 1,500 feet of lakefront at Pearrygin Lake.

		Reappropriation	Appropriation
General Fund—ORA (HJR 52)		-0-	187,000
General Fund—ORA (LWCF)		-0-	187,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
150,000	1,000,000	1,524,000	6/85

(8) Acquire inholdings at Conconully State Park.

		Reappropriation	Appropriation
General Fund—ORA (HJR 52)		-0-	8,000
General Fund—ORA (LWCF)		-0-	8,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	16,000	7/80

(9) Renovate and expand day use facility for ocean beach access at Copalis and Joe Creek.

Reappropriation	Appropriation
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General Fund—ORA (HJR 52)		-0-	187,000
General Fund—ORA (LWCF)		-0-	186,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	373,000	11/80

(10) Develop 50-unit campground, roadway, and parking facilities at Green River Gorge.

		Reappropriation	Appropriation
General Fund—ORA (HJR 52)		-0-	524,000
General Fund—ORA (LWCF)		-0-	476,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	21,000	1,021,000	4/81

(11) Construct parking area for overflow periods at Battle Ground Lake.

		Reappropriation	Appropriation
General Fund—ORA (HJR 52)		-0-	21,000
General Fund—ORA (LWCF)		-0-	20,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	41,000	6/81

(12) Develop 50-unit camping area with associated facilities at Manchester.

		Reappropriation	Appropriation
General Fund—ORA (HJR 52)		-0-	208,000
General Fund—ORA (LWCF)		-0-	207,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	415,000	6/80

(13) Construct two additional boat launch ramps at Fort Canby State Park.

		Reappropriation	Appropriation
General Fund—ORA (Int. 215)		-0-	44,000
General Fund—ORA (LWCF)		-0-	44,000
Project Costs	Estimated Costs	Estimated Total Costs	Estimated Completion Date
Through 6/30/79	7/1/81 and Thereafter		
-0-	-0-	88,000	5/81

(14) Develop campground facilities at Spencer Spit.

		Reappropriation	Appropriation
General Fund—ORA (HJR 52)		-0-	319,000
General Fund—ORA (LWCF)		-0-	319,000
Project Costs	Estimated Costs	Estimated Total Costs	Estimated Completion Date
Through 6/30/79	7/1/81 and Thereafter		
-0-	-0-	638,000	11/80

(15) Acquire land and trail easements for trailhead facilities at Squak Mountain.

		Reappropriation	Appropriation
General Fund—ORA (HJR 52)		-0-	39,000
General Fund—ORA (LWCF)		-0-	39,000
Project Costs	Estimated Costs	Estimated Total Costs	Estimated Completion Date
Through 6/30/79	7/1/81 and Thereafter		
-0-	-0-	78,000	7/80

(16) Acquire the Bradley site in central Puget Sound.

		Reappropriation	Appropriation
General Fund—ORA (HJR 52)		-0-	600,000
General Fund—ORA (LWCF)		-0-	600,000
Project Costs	Estimated Costs	Estimated Total Costs	Estimated Completion Date
Through	7/1/81 and		

6/30/79	Thereafter		
-0-	-0-	1,200,000	6/81

(17) To design, construct, and equip a Lewis and Clark interpretive center at Chief Timothy park.

		Reappropriation	Appropriation
General Fund—ORA (HJR 52)		-0-	160,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	160,000	6/81

(18) Acquire the Goldendale observatory site.

		Reappropriation	Appropriation
General Fund—ORA (HJR 52)		-0-	100,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	100,000	6/81

(19) Renovate the day use area at Camp Wooten State Park.

		Reappropriation	Appropriation
General Fund—ORA (HJR 52)		-0-	55,000
General Fund—ORA (LWCF)		-0-	54,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	109,000	6/81

(20) Acquire frontage at or near the abandoned townsite of Frankfort on the Columbia River.

		Reappropriation	Appropriation
General Fund—ORA (HJR 52)		-0-	150,000
General Fund—ORA (LWCF)		-0-	150,000
Project Costs Through	Estimated Costs 7/1/81 and	Estimated Total Costs	Estimated Completion Date

6/30/79	Thereafter		
-0-	700,000	1,000,000	1/81

(21) Acquire additional property for Scenic Beach State Park in Kitsap county.

		Reappropriation	Appropriation
General Fund	—ORA (HJR 52)	-0-	175,000
General Fund	—ORA (LWCF)	-0-	175,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	350,000	6/81

(22) Acquire the Matelich site in central Puget Sound.

		Reappropriation	Appropriation
General Fund	—ORA (HJR 52)	-0-	150,000
General Fund	—ORA (LWCF)	-0-	150,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	300,000	6/81

(23) Acquire approximately five acres of the property known as Kubota Gardens.

		Reappropriation	Appropriation
General Fund	—ORA (HJR 52)	-0-	125,000
General Fund	—ORA (LWCF)	-0-	125,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	250,000	6/81

(24) Acquire portions of river bank on the Green River.

		Reappropriation	Appropriation
General Fund	—ORA (HJR 52)	-0-	375,000
General Fund	—ORA (LWCF)	-0-	375,000
Project	Estimated	Estimated	Estimated

Costs Through 6/30/79	Costs 7/1/81 and Thereafter	Total Costs	Completion Date
-0-	-0-	750,000	6/81

(25) Construct day-use facilities at Clallam Bay spit.

		Reappropriation	Appropriation
General Fund—	ORA (HJR 52)	-0-	90,000
General Fund—	ORA (LWCF)	-0-	89,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	179,000	6/81

(26) Acquire recreational property at Beards Hollow.

		Reappropriation	Appropriation
General Fund—	ORA (HJR 52)	-0-	400,000
General Fund—	ORA (LWCF)	-0-	400,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	800,000	6/81

(27) Acquire additional property for Penrose Point State Park.

		Reappropriation	Appropriation
General Fund—	ORA (HJR 52)	-0-	175,000
General Fund—	ORA (LWCF)	-0-	175,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	350,000	6/81

(28) Acquire approximately 700 feet of waterfront and 65 acres of up-lands at Haley Property.

		Reappropriation	Appropriation
General Fund—	ORA (HJR 52)	-0-	150,000
General Fund—	ORA (LWCF)	-0-	150,000

Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
300,000	300,000	900,000	6/81

(29) Renovate site for Fort Worden marine interpretive center.

		Reappropriation	Appropriation
General Fund—ORA (HJR 52)		-0-	32,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	32,000	6/81

NEW SECTION. Sec. 185. FOR THE DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

(1) \$5,000,000 for the planning, design, construction, furnishing and landscaping of a multi-theatre international performing arts facility designated as the "Pacific Northwest festival facility" located in south King county in the vicinity of Federal Way. The appropriation contained in this section shall not be expended until the state is in receipt of \$15,000,000 from the federal government and/or other sources. Should federal legislation dictate that the facility be owned by the federal government, the state moneys shall be granted to such federal administering agency which is representing the federal government.

		Reappropriation	Appropriation
GF, Pacific Northwest Festival Facility Constr Acct		-0-	5,000,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	5,000,000	6/81

(2) To provide matching grants for the planning, design, construction, furnishing, and landscaping of two regionally based performing arts facilities, to be known as the "Washington center for the performing arts" facility located in Thurston county within the area of the city of Olympia, and "the Pantages theatre" facility located in Pierce county within the area of the city of Tacoma.

Reappropriation	Appropriation
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GF, Cultural Facilities Constr Acct	-0-	3,000,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs
-0-	-0-	3,000,000
		Estimated Completion Date
		6/81

NEW SECTION. Sec. 186. FOR THE DEPARTMENT OF FISHERIES

(1) Renovate and make improvements to meet safety, health, and environmental regulations.

		Reappropriation	Appropriation
GF, Fish Cap Proj Acct		455,000	2,440,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
4,726,000	725,000	8,346,000	6/81

(2) Provide necessary replacement and alterations to facilities at various hatchery locations state-wide.

		Reappropriation	Appropriation
GF, Fish Cap Proj Acct		1,271,000	1,635,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
1,131,000	250,000	4,287,000	6/81

(3) Improve operation and production efficiency of existing facilities state-wide.

		Reappropriation	Appropriation
General Fund—Federal		-0-	575,000
GF, Fish Cap Proj Acct		743,000	941,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
625,000	958,000	3,842,000	6/81

(4) Complete various enhancements projects, state-wide.

		Reappropriation	Appropriation
GF, Sal Enhmt Constr Acct		24,060,000	3,541,000
General Fund—Federal		1,024,000	650,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
5,125,000	-0-	34,400,000	9/81

(5) Complete various recreation projects funded through the interagency committee for outdoor recreation.

		Reappropriation	Appropriation
General Fund—ORA (Ref. 28)		573,000	-0-
General Fund—ORA (LWCF)		1,136,000	-0-
General Fund—ORA (Int. 215)		160,000	-0-
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
933,000	-0-	2,802,000	6/81

(6) Complete capital facility improvements to support the shellfish research and production program state-wide.

		Reappropriation	Appropriation
GF, Fish Cap Proj Acct		103,000	-0-
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
155,000	-0-	258,000	6/80

(7) Construct four additional saltwater rearing pens for research and enhancement of juvenile lingcod and mussel cultures.

		Reappropriation	Appropriation
GF, Fish Cap Proj Acct		-0-	71,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	71,000	6/80

(8) Construct artificial reef structures in ten locations in Puget Sound and Hood Canal for use by recreational fishermen.

		Reappropriation	Appropriation
General Fund—ORA (HJR 52)		-0-	205,000
General Fund—ORA (LWCF)		-0-	205,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	410,000	6/81

(9) Construct wooden walkways on top of breakwater structures at Westhaven Cove Marina in Westport to improve safety and ease of access for recreational fishermen.

		Reappropriation	Appropriation
General Fund—ORA (HJR 52)		-0-	62,000
General Fund—ORA (LWCF)		-0-	62,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	124,000	5/81

(10) Construct access walkway and fishing pier atop and extending from the breakwater at the Port of Peninsula Boat Basin at Nahcotta.

		Reappropriation	Appropriation
General Fund—ORA (HJR 52)		-0-	61,000
General Fund—ORA (LWCF)		-0-	60,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	121,000	5/81

(11) Construct access walkway and stairs to east end of Hood Canal bridge, including sanitary facilities, parking, and artificial reef for recreational fishing.

		Reappropriation	Appropriation
General Fund—ORA (HJR 52)		-0-	190,000
General Fund—ORA (LWCF)		-0-	190,000

Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	380,000	12/80

(12) Develop breakwater launch ramp, loading and tie-up floats, sanitary facilities, parking, and other related facilities for recreational fishing at Snow Creek. Upon completion of construction, the department of fisheries shall contract with the state parks and recreation commission for operation of the facility with no user fee charged for use by the general public.

		Reappropriation	Appropriation
General Fund—ORA (Int.215)		-0-	323,000
General Fund—ORA (LWCF)		-0-	322,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	645,000	3/80

(13) Develop parking area for 100 cars for use with Edmonds fishing pier.

		Reappropriation	Appropriation
General Fund—ORA (HJR 52)		-0-	14,000
General Fund—ORA (LWCF)		-0-	13,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	27,000	3/80

(14) Complete construction of Seattle and Tacoma fishing piers.

		Reappropriation	Appropriation
General Fund—ORA (HJR 52)		-0-	245,000
General Fund—ORA (LWCF)		-0-	245,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	490,000	9/80

NEW SECTION. Sec. 187. FOR THE DEPARTMENT OF GAME

(1) Critical resource acquisition, acquire lands for wildlife habitat, wildlife recreation, and public hunting state-wide.

		Reappropriation	Appropriation
General Fund—ORA (LWCF)		6,000	-0-
General Fund—ORA (Ref. 28)		64,000	-0-
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
83,000	-0-	153,000	6/80

(2) Critical resource development, develop lands to provide recreational opportunities for the public state-wide.

		Reappropriation	Appropriation
General Fund—ORA (LWCF)		56,000	-0-
General Fund—ORA (Ref. 28)		90,000	-0-
General Fund—ORA (Int. 215)		40,000	-0-
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
54,000	-0-	240,000	12/79

(3) Freshwater shorelands development, development of facilities to provide public access to inland waters state-wide.

		Reappropriation	Appropriation
General Fund—ORA (LWCF)		3,000	-0-
General Fund—ORA (Ref. 28)		55,000	-0-
General Fund—ORA (Int. 215)		63,000	-0-
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
89,000	-0-	210,000	12/79

(4) Naches Hatchery, water supply development for raceways and hatcheries.

	Reappropriation	Appropriation
Game Fund—State	107,000	-0-

Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
30,000	-0-	137,000	10/79

(5) To construct pollution abatement facilities at the Beaver Creek Hatchery.

		Reappropriation	Appropriation
Game Fund—Federal		561,000	-0-
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
20,000	-0-	581,000	10/79

(6) To construct an equipment and storage shop at Wells Wildlife Recreation Area.

		Reappropriation	Appropriation
Game Fund—Local		14,000	-0-
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
18,000	-0-	32,000	12/79

(7) To construct a seed storage facility at McNary Wildlife Recreation Area.

		Reappropriation	Appropriation
Game Fund—Federal		1,000	-0-
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
2,000	-0-	3,000	12/79

(8) To construct habitat area and wildlife recreation area boundary fencing state-wide.

		Reappropriation	Appropriation
Game Fund—State		29,000	-0-

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Game Fund—Federal		110,000	-0-
Project	Estimated	Estimated	Estimated
Costs	Costs	Total	Completion
Through	7/1/81 and	Costs	Date
6/30/79	Thereafter		
48,000	-0-	187,000	11/79

(9) To construct shop and storage area for equipment at the McNary Wildlife Recreation Area.

		Reappropriation	Appropriation
Game Fund—State		2,000	-0-
Game Fund—Federal		7,000	-0-
Project	Estimated	Estimated	Estimated
Costs	Costs	Total	Completion
Through	7/1/81 and	Costs	Date
6/30/79	Thereafter		
9,000	-0-	18,000	12/79

(10) Remodel existing storage area at Olympia warehouse to provide additional office space and parking.

		Reappropriation	Appropriation
Game Fund—State		100,000	-0-
Project	Estimated	Estimated	Estimated
Costs	Costs	Total	Completion
Through	7/1/81 and	Costs	Date
6/30/79	Thereafter		
9,000	-0-	109,000	10/79

(11) Sell Auburn Game Farm and distribute existing facilities to Whidbey Island, South Tacoma, and Lewis County Game Farms.

		Reappropriation	Appropriation
Game Fund—State		235,000	-0-
Project	Estimated	Estimated	Estimated
Costs	Costs	Total	Completion
Through	7/1/81 and	Costs	Date
6/30/79	Thereafter		
-0-	-0-	235,000	6/81

(12) Relocate Auburn shop activities to Olympia after sale of Auburn Game Farm.

		Reappropriation	Appropriation
Game Fund—State		200,000	-0-
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	200,000	6/81

(13) Provide for repair or replacement under emergency conditions.

		Reappropriation	Appropriation
Game Fund—State		-0-	100,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	200,000	300,000	6/81

(14) Replace 29 sets of outdoor toilets located on game department access areas state-wide.

		Reappropriation	Appropriation
Game Fund—State		-0-	163,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	198,000	361,000	6/81

(15) Provide sedimentation basins at five hatcheries that will collect solid waste from used water for pollution control.

		Reappropriation	Appropriation
Game Fund—State		-0-	218,000
Game Fund—Federal		-0-	22,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	240,000	7/80

(16) Construct an 8-foot high chain link fence to protect rainbow broodstock from vandalism and theft at Tokul Creek Hatchery.

		Reappropriation	Appropriation
Game Fund—State		-0-	11,000
Project	Estimated	Estimated	Estimated
Costs	Costs	Total	Completion
Through	7/1/81 and	Costs	Date
6/30/79	Thereafter		
-0-	-0-	11,000	12/79

(17) Purchase fishing sites and easements to mitigate the fishery loss related to Wells Dam construction.

		Reappropriation	Appropriation
Game Special Wildlife Account		-0-	69,000
Project	Estimated	Estimated	Estimated
Costs	Costs	Total	Completion
Through	7/1/81 and	Costs	Date
6/30/79	Thereafter		
-0-	-0-	69,000	6/81

(18) Design and construct a three bedroom residence with garage, utilities, and roadway plus holding pen for 750 birds at Wells WRA.

		Reappropriation	Appropriation
Game Special Wildlife Account		-0-	108,000
Project	Estimated	Estimated	Estimated
Costs	Costs	Total	Completion
Through	7/1/81 and	Costs	Date
6/30/79	Thereafter		
-0-	-0-	108,000	9/80

(19) Repair pipeline from Lake Whatcom that supplies hatchery with production water.

		Reappropriation	Appropriation
Game Fund—State		-0-	36,000
Project	Estimated	Estimated	Estimated
Costs	Costs	Total	Completion
Through	7/1/81 and	Costs	Date
6/30/79	Thereafter		
-0-	-0-	36,000	9/80

(20) Provide for maintenance and construction of boundary, drift and habitat area fencing and property surveys.

		Reappropriation	Appropriation
Game Fund—Federal		-0-	146,000
Game Fund—State		-0-	49,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	481,000	676,000	7/81

(21) Replace 80 wood troughs and supports at Lake Whatcom Hatchery.

		Reappropriation	Appropriation
Game Fund—State		-0-	38,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	38,000	3/80

(22) Repair or replace fish screens at lake outlets preventing out migration of planted trout.

		Reappropriation	Appropriation
Game Fund—Federal		-0-	53,000
Game Fund—State		-0-	18,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	71,000	6/81

(23) Replace old holding pens, brooder runs, and woven wire fencing to prevent game bird escapement.

		Reappropriation	Appropriation
Game Fund—State		-0-	195,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	526,000	721,000	4/81

(24) Replace three wood wall dirt bottom raceways with three 10-foot by 100-foot concrete raceways at South Tacoma Hatchery.

		Reappropriation	Appropriation
Game Fund—State		-0-	67,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	67,000	3/81

(25) Repair leaks in hatchery pond and raceways at Arlington Hatchery.

		Reappropriation	Appropriation
Game Fund—State		-0-	49,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	49,000	5/81

(26) Replace roofing at Skamania Hatchery.

		Reappropriation	Appropriation
Game Fund—Federal		-0-	18,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	18,000	6/81

(27) Provide preplanning and design funds for future biennia capital projects.

		Reappropriation	Appropriation
Game Fund—State		-0-	50,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	100,000	150,000	6/81

(28) Construct small parking area and related user facilities at Scatter Creek WRA.

		Reappropriation	Appropriation
General Fund—ORA (HJR 52)		-0-	11,000
General Fund—ORA (LWCF)		-0-	11,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	22,000	9/79

(29) Construct parking area, launch ramp, and related user facilities at Lake Ki in Snohomish county.

		Reappropriation	Appropriation
General Fund—ORA (Int. 215)		-0-	36,000
General Fund—ORA (LWCF)		-0-	36,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	72,000	7/80

(30) Redevelop and construct boat launching facilities at Potholes Reservoir, Campbell Lake, Fazon Lake, Burke Lake, Badger Lake, Loon Lake, Humptulips River, and Chambers Lake.

		Reappropriation	Appropriation
General Fund—ORA (HJR 52)		-0-	15,000
General Fund—ORA (Int. 215)		-0-	214,000
General Fund—ORA (LWCF)		-0-	229,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
39,000	-0-	497,000	6/81

(31) Construct parking area and related user facilities at Tokul Creek.

		Reappropriation	Appropriation
General Fund—ORA (HJR 52)		-0-	12,000
General Fund—ORA (LWCF)		-0-	12,000
Project	Estimated	Estimated	Estimated

Costs Through 6/30/79	Costs 7/1/81 and Thereafter	Total Costs	Completion Date
-0-	-0-	24,000	11/80

(32) Construct an "A" Frame warming hut designed to provide essential facilities for snowmobilers during cold or emergency conditions.

		Reappropriation	Appropriation
General Fund—State		-0-	33,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	33,000	9/80

(33) Construct .34 acre parking area surface with ballast at Wooten WRA.

		Reappropriation	Appropriation
General Fund—State		-0-	14,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	14,000	7/80

(34) Construct a one-half acre parking area and install timber bridge for snowmobilers at Sherman Creek WRA.

		Reappropriation	Appropriation
General Fund—State		-0-	19,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	19,000	7/80

(35) Acquire Delfeld property as an addition to Chiliwist WRA.

		Reappropriation	Appropriation
General Fund—ORA (HJR 52)		-0-	159,000
General Fund—ORA (LWCF)		-0-	159,000
Project	Estimated	Estimated	Estimated

Costs Through 6/30/79	Costs 7/1/81 and Thereafter	Total Costs	Completion Date
-0-	-0-	318,000	6/81

NEW SECTION. Sec. 188. FOR THE DEPARTMENT OF NATURAL RESOURCES

(1) Construct 15,000 square feet of lath house at the Bellingham Nursery to provide holding area for seedlings.

		Reappropriation	Appropriation
GF, Res Mgmt Cost Acct		30,000	-0-
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	30,000	10/79

(2) Webster Nursery—Land reclamation.

		Reappropriation	Appropriation
GF, Res Mgmt Cost Acct		50,000	-0-
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	50,000	10/79

(3) Upgrade domestic water systems at various locations.

		Reappropriation	Appropriation
General Fund—State		-0-	65,000
General Fund—CEP & RI Acct		-0-	13,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	78,000	9/80

(4) Provide for emergency exit at Olympic Area Headquarters.

		Reappropriation	Appropriation
GF, Res Mgmt Cost Acct		-0-	6,000
Project	Estimated	Estimated	Estimated

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Costs Through 6/30/79	Costs 7/1/81 and Thereafter	Total Costs	Completion Date
-0-	-0-	6,000	11/79

(5) Acquire and improve surplus federal installation on Budd Inlet for seaweed research laboratory.

		Reappropriation	Appropriation
GF, Res Mgmt Cost Acct		-0-	228,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	228,000	2/80

(6) Provides funding for implementation of Senate Bill No. 2200 (chapter 109, Laws of 1977 ex. sess.) to establish land bank.

		Reappropriation	Appropriation
GF, For Dev Acct		-0-	1,000,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	2,000,000	3,000,000	6/81

(7) Construct and improve roads and bridges into state-owned timberlands, state-wide.

		Reappropriation	Appropriation
GF, For Dev Acct		-0-	426,000
GF, Res Mgmt Cost Acct		2,240,000	1,040,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
1,559,000	4,000,000	9,265,000	6/81

(8) Convert arid lands into productive lands for crop growing through development or irrigation systems.

		Reappropriation	Appropriation
GF, Res Mgmt Cost Acct		3,770,000	1,940,000

Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
2,497,000	4,000,000	12,207,000	6/81

(9) Acquire access for management of timber and agricultural lands.

	Reappropriation	Appropriation
GF, For Dev Acct	-0-	175,000
GF, Res Mgmt Cost Acct	-0-	691,000

Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
900,000	1,300,000	3,066,000	6/81

(10) Provides shops for maintenance and repair of equipment used in the honor camp program in Skagit county.

	Reappropriation	Appropriation
General Fund—CEP & RI Acct	-0-	536,000

Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	536,000	6/80

(11) Replace old lookout structures at rate of one per biennium.

	Reappropriation	Appropriation
General Fund—State	-0-	15,000

Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
10,000	34,000	59,000	6/81

(12) Rebuild gas house and expand parking at Chehalis Compound.

	Reappropriation	Appropriation
General Fund—State	-0-	17,000

Project Costs	Estimated Costs	Estimated Total	Estimated Completion

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Through 6/30/79	7/1/81 and Thereafter	Costs	Date
-0-	-0-	17,000	6/81

(13) Provide air exchange and cooling system to reduce heat buildup at Southwest Area Headquarters.

		Reappropriation	Appropriation
GF, Res Mgmt Cost Acct		-0-	7,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	7,000	6/80

(14) Construct roads and bridges to state lands in Cavanaugh Block.

		Reappropriation	Appropriation
GF, For Dev Acct		-0-	475,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	475,000	6/81

(15) Construct dry storage facility at Larch Mountain warehouse.

		Reappropriation	Appropriation
General Fund—CEP & RI Acct		-0-	47,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	47,000	6/80

(16) Prepare sites for commercial leases, state-wide.

		Reappropriation	Appropriation
GF, Res Mgmt Cost Acct		1,570,000	2,449,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
196,000	3,000,000	7,215,000	6/81

(17) Provide facilities to house three-man fire crews at Beaver and Sekiu.

		Reappropriation	Appropriation
General Fund—State		-0-	46,000
Project	Estimated	Estimated	Estimated
Costs	Costs	Total	Completion
Through	7/1/81 and	Costs	Date
6/30/79	Thereafter		
-0-	-0-	46,000	5/80

(18) Construct and improve campsites, roads, trails, and other recreation projects, including off-road vehicles and snowmobile facilities.

		Reappropriation	Appropriation
General Fund—ORA (Ref. 28)		733,000	-0-
General Fund—ORA (Ref. 18)		19,000	-0-
General Fund—ORA (Int. 215)		187,000	-0-
General Fund—ORA (LWCF)		412,000	-0-
General Fund—State		-0-	31,000
General Fund—ORV Acct—State		-0-	1,994,000
Project	Estimated	Estimated	Estimated
Costs	Costs	Total	Completion
Through	7/1/81 and	Costs	Date
6/30/79	Thereafter		
1,448,000	4,900,000	9,724,000	6/81

(19) Drill well to provide water for Ahtanum Camp.

		Reappropriation	Appropriation
General Fund—ORA (HJR 52)		-0-	6,000
General Fund—ORA (LWCF)		-0-	6,000
Project	Estimated	Estimated	Estimated
Costs	Costs	Total	Completion
Through	7/1/81 and	Costs	Date
6/30/79	Thereafter		
-0-	-0-	12,000	10/79

(20) Drill two wells and install powerline at Black Rock Irrigation Project.

		Reappropriation	Appropriation
GF, Res Mgmt Cost Acct		-0-	290,000
Project	Estimated	Estimated	Estimated

Costs Through 6/30/79	Costs 7/1/81 and Thereafter	Total Costs	Completion Date
-0-	-0-	290,000	6/81

(21) Rebuild old Mule Spur road to provide access for reforestation.

		Reappropriation	Appropriation
GF, For Dev Acct		-0-	75,000
GF, Res Mgmt Cost Acct		-0-	225,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	300,000	6/81

(22) Improve road to Elbe Hills for timber sales activities.

		Reappropriation	Appropriation
GF, For Dev Acct		-0-	405,000
GF, Res Mgmt Cost Acct		-0-	135,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	540,000	6/81

(23) Purchase materials for use in camp road maintenance programs.

		Reappropriation	Appropriation
General Fund—CEP & RI Acct		-0-	20,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	45,000	65,000	6/80

(24) Provide housing for radio equipment at Little Summit presently in old military surplus trailer.

		Reappropriation	Appropriation
General Fund—State		-0-	3,000
GF, Res Mgmt Cost Acct		-0-	4,000
Project	Estimated	Estimated	Estimated

Costs Through 6/30/79	Costs 7/1/81 and Thereafter	Total Costs	Completion Date
-0-	-0-	7,000	3/81

(25) Reconstruct gas house and enlarge parking area at Northwest Area Headquarters Compound.

		Reappropriation	Appropriation
General Fund—State		-0-	16,000
GF, Res Mgmt Cost Acct		-0-	17,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	33,000	12/79

(26) Construct building on Orcas Island to store fire control supplies.

		Reappropriation	Appropriation
General Fund—State		-0-	16,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	16,000	10/80

(27) Construct cyclone fencing at two area headquarter sites.

		Reappropriation	Appropriation
General Fund—State		-0-	33,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	33,000	3/80

(28) Construct a block masonry cold storage building to store seedlings at Webster Nursery.

		Reappropriation	Appropriation
GF, Res Mgmt Cost Acct		-0-	70,000
Project Costs	Estimated Costs	Estimated Total	Estimated Completion

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Through 6/30/79	7/1/81 and Thereafter	Costs	Date
-0-	-0-	70,000	9/80

(29) Construct wells and powerline to irrigate 600 acres at Smith Irrigation Project.

		Reappropriation	Appropriation
GF, Res Mgmt Cost Acct		-0-	275,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	275,000	6/81

(30) Construct a block masonry cold storage facility as storage for six million seedlings at Webster Nursery.

		Reappropriation	Appropriation
GF, Res Mgmt Cost Acct		-0-	500,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	500,000	9/80

(31) Construct three corrugated fiberglass growing houses to protect grafted trees at seed orchard.

		Reappropriation	Appropriation
GF, Res Mgmt Cost Acct		-0-	97,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	97,000	2/80

(32) Improve access to large blocks of state land at Marckworth for timber removal.

		Reappropriation	Appropriation
GF, For Dev Acct		-0-	171,000
GF, Res Mgmt Cost Acct		-0-	73,000
Project	Estimated	Estimated	Estimated

Costs Through 6/30/79	Costs 7/1/81 and Thereafter	Total Costs	Completion Date
-0-	-0-	244,000	6/81

(33) Remove dangerous abandoned structures from state tidelands.

GF, Res Mgmt Cost Acct		Reappropriation	Appropriation
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	150,000	6/81
		-0-	150,000

(34) Acquire recreational property at Mount Si.

General Fund—ORA (HJR 52)		Reappropriation	Appropriation
General Fund—ORA (LWCF)		Reappropriation	Appropriation
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	1,800,000	6/81
		-0-	900,000
		-0-	900,000

NEW SECTION. Sec. 189. FOR THE UNIVERSITY OF WASHINGTON

(1) To provide for the completion of the expansion and renovation of existing teaching hospital.

St Bldg Auth Constr Acct		Reappropriation	Appropriation
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
12,413,000	-0-	12,593,000	5/79
		180,000	-0-

(2) A continuation of the renovation of mechanical and electrical systems; renovation and remodeling of departmental space; elevator extension and access improvement for handicapped for Department of Chemistry and School of Pharmacy at Bagley Hall.

Reappropriation Appropriation

UW Bldg Acct		4,350,000	-0-
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
150,000	-0-	4,500,000	5/80

(3) A continuation of building systems renovation and replacement including mechanical and electrical systems, remodeling of spaces for more intensive use, and repairs to correct code deficiencies at Health Science Building.

		Reappropriation	Appropriation
UW Bldg Acct		2,800,000	-0-
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	2,800,000	3/80

(4) To construct additional locker rooms, service areas, and multipurpose gymnasium to provide comparable athletic facilities for men and women at Edmundson Pavilion.

		Reappropriation	Appropriation
UW Bldg Acct		395,000	-0-
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
1,967,000	-0-	2,362,000	7/79

(5) To construct a new building providing offices, classrooms, speech and hearing clinics, media center, library, and laboratories for School of Social Work and Department of Speech & Hearing Sciences.

		Reappropriation	Appropriation
UW Bldg Acct		5,200,000	-0-
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
1,450,000	-0-	6,650,000	6/80

(6) To construct and equip major utility and building renovations for operating efficiencies, safety improvements, and preservation of existing facilities.

		Reappropriation	Appropriation
UW Bldg Acct		1,450,000	-0-
Project	Estimated	Estimated	Estimated
Costs	Costs	Total	Completion
Through	7/1/81 and	Costs	Date
6/30/79	Thereafter		
5,189,000	-0-	6,139,000	6/81

(7) To provide minor building alterations or renovations for section 504 handicapped access compliance.

		Reappropriation	Appropriation
St H Ed Constr Acct		-0-	1,538,000
Project	Estimated	Estimated	Estimated
Costs	Costs	Total	Completion
Through	7/1/81 and	Costs	Date
6/30/79	Thereafter		
-0-	-0-	1,538,000	6/81

(8) To provide for improvements for high priority academic needs, improved energy utilization, remodeling and refurbishing of classrooms, repairs to sports facilities, and continuing real estate contract payments.

		Reappropriation	Appropriation
UW Bldg Acct		-0-	2,692,000
Project	Estimated	Estimated	Estimated
Costs	Costs	Total	Completion
Through	7/1/81 and	Costs	Date
6/30/79	Thereafter		
-0-	12,748,000	14,438,000	6/81

(9) To plan and construct utility projects including power plant modifications, utility extensions to new buildings, electrical distribution system improvements, supervisory control system extension and upper campus sewer separation.

		Reappropriation	Appropriation
UW Bldg Acct		-0-	2,248,000
Project	Estimated	Estimated	Estimated
Costs	Costs	Total	Completion

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Through 6/30/79	7/1/81 and Thereafter	Costs	Date
-0-	6,733,000	8,981,000	6/81

(10) To design laboratory facilities at Big Beef Creek.

		Reappropriation	Appropriation
UW Bldg Acct		-0-	200,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	200,000	8/83

(11) To design a new facility to house the center for extension and continuing education.

		Reappropriation	Appropriation
UW Bldg Acct		-0-	236,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	236,000	6/83

(12) To replace obsolete and outmoded scientific, instruction and support equipment.

		Reappropriation	Appropriation
UW Bldg Acct		-0-	5,000,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	5,000,000	6/81

(13) To remodel certain areas for the Department of Speech and Hearing Sciences when the School of Social Work vacates the building at Eagleson Hall.

		Reappropriation	Appropriation
H Ed Constr Acct		-0-	537,000
Project Costs	Estimated Costs	Estimated Total	Estimated Completion

Through 6/30/79	7/1/81 and Thereafter	Costs	Date
-0-	-0-	537,000	1/81

(14) To renovate and remodel interior spaces to accommodate new program requirements of School of Nutritional Sciences and Textiles, correct code deficiencies, and install an elevator to make the building accessible to the handicapped at Raitt Hall.

		Reappropriation	Appropriation
H Ed Constr Acct		-0-	3,024,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	3,024,000	9/82

(15) To construct and equip laboratory and service facilities for instruction in biology, botany, zoology, and genetics.

		Reappropriation	Appropriation
H Ed Constr Acct		-0-	10,978,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
566,000	-0-	11,544,000	9/81

(16) To provide new ventilation and air handling systems, water piping, code deficiency correction, and general upgrading at Health Sciences Building.

		Reappropriation	Appropriation
H Ed Constr Acct		-0-	1,806,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	1,806,000	12/80

(17) To remodel the existing clinic to make it more usable as a practice clinic, provide professional practice instruction and better services to dental patients at Dental Clinic.

Reappropriation	Appropriation
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H Ed Constr Acct		-0-	437,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	437,000	4/80

(18) To replace heating system, improve ventilation, change partitions, install elevator and bring existing staff personnel office building up to code after it is vacated by the Speech and Hearing Sciences Clinics.

		Reappropriation	Appropriation
H Ed Constr Acct		-0-	646,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	646,000	3/81

(19) Design funds to upgrade heating, ventilation, plumbing, and electrical systems; to make code corrections; and to remodel a portion of the gym for more intensive use of space for new program emphasis at Hutchinson Hall.

		Reappropriation	Appropriation
H Ed Constr Acct		-0-	153,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	2,401,000	2,554,000	12/81

(20) Funds to repair or replace building systems, make safety and code corrections, replace window frames and door hardware at Health Science Building, wings E and F.

		Reappropriation	Appropriation
H Ed Constr Acct		-0-	360,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	3,398,000	3,758,000	6/83

(21) To construct addition to existing structure to relieve overcrowding of existing staff in Physical Plant and Facilities Planning and Construction.

		Reappropriation	Appropriation
H Ed Constr Acct		-0-	434,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	434,000	9/81

(22) To construct addition to existing structure to adequately house existing staff in Purchasing, General Accounting, and Grant and Contract Accounting.

		Reappropriation	Appropriation
H Ed Constr Acct		-0-	1,003,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	1,003,000	9/81

(23) To construct a new mechanical room underground to serve Health Sciences Building wings E, F, and G and add some adjacent space for office use.

		Reappropriation	Appropriation
H Ed Constr Acct		-0-	1,580,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	1,580,000	6/80

(24) To restore Johnson Hall Annex to sound condition meeting current code requirements.

		Reappropriation	Appropriation
H Ed Constr Acct		-0-	250,000
Project Costs Through	Estimated Costs 7/1/81 and	Estimated Total Costs	Estimated Completion Date

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6/30/79	Thereafter		
-0-	-0-	250,000	5/81

(25) To renovate the Showboat, Penthouse, and Playhouse Theaters, including structural repairs, electrical rewiring, sound system replacement, general repainting and refurbishing.

		Reappropriation	Appropriation
UW Bldg Acct		-0-	300,000
Project	Estimated	Estimated	Estimated
Costs	Costs	Total	Completion
Through	7/1/81 and	Costs	Date
6/30/79	Thereafter		
-0-	-0-	300,000	4/81

(26) To design and construct a laboratory building and dormitory at Pack Forest.

		Reappropriation	Appropriation
UW Bldg Acct		-0-	544,000
Project	Estimated	Estimated	Estimated
Costs	Costs	Total	Completion
Through	7/1/81 and	Costs	Date
6/30/79	Thereafter		
-0-	-0-	544,000	8/81

(27) Design and construct two dormitories of 20 double rooms each and one apartment building with 10 one-bedroom apartments to increase student capacity at Friday Harbor.

		Reappropriation	Appropriation
UW Bldg Acct		-0-	717,000
Project	Estimated	Estimated	Estimated
Costs	Costs	Total	Completion
Through	7/1/81 and	Costs	Date
6/30/79	Thereafter		
-0-	-0-	717,000	6/81

NEW SECTION. Sec. 190. FOR WASHINGTON STATE UNIVERSITY

(1) To construct and equip modifications to existing utility production and distribution systems.

	Reappropriation	Appropriation
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WSU Bldg Acct		2,830,000	-0-
Project	Estimated	Estimated	Estimated
Costs	Costs	Total	Completion
Through	7/1/81 and	Costs	Date
6/30/79	Thereafter		
2,115,000	-0-	4,945,000	6/81

(2) To construct and equip the Computer Sciences and Mathematics Building.

		Reappropriation	Appropriation
WSU Constr Acct		431,000	-0-
St H Ed Constr Acct		1,320,000	-0-
Project	Estimated	Estimated	Estimated
Costs	Costs	Total	Completion
Through	7/1/81 and	Costs	Date
6/30/79	Thereafter		
8,235,000	-0-	9,986,000	12/79

(3) To construct and equip the Intercollegiate Center for Nursing Education.

		Reappropriation	Appropriation
St H Ed Constr Acct		1,084,000	-0-
Project	Estimated	Estimated	Estimated
Costs	Costs	Total	Completion
Through	7/1/81 and	Costs	Date
6/30/79	Thereafter		
2,648,000	-0-	5,679,000	6/80

(4) To construct and equip classroom, laboratory, and office building for veterinary sciences.

		Reappropriation	Appropriation
St H Ed Constr Acct		193,000	-0-
Project	Estimated	Estimated	Estimated
Costs	Costs	Total	Completion
Through	7/1/81 and	Costs	Date
6/30/79	Thereafter		
13,836,000	-0-	14,029,000	10/79

(5) To provide minor alterations or renovations to buildings and utilities in order to make safety improvements, increase building efficiency, or extend the useful life of facilities.

		Reappropriation	Appropriation
WSU Bldg Acct		904,000	5,041,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
2,339,000	10,285,000	20,573,000	6/85

(6) To provide minor building alterations or renovations for section 504 handicapped access compliance.

		Reappropriation	Appropriation
St H Ed Constr Acct		-0-	2,965,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	2,965,000	6/81

(7) To design, remodel, equip, and construct an addition to Wegner Hall: PROVIDED, That \$2,881,000 shall be from federal funding sources.

		Reappropriation	Appropriation
H Ed Constr Acct		-0-	5,847,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
388,000	-0-	9,116,000	7/81

(8) To design, remodel, and equip Morrill Hall.

		Reappropriation	Appropriation
H Ed Constr Acct		-0-	1,952,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
19,000	-0-	1,971,000	1/82

(9) To design, construct, and equip an animal holding facility.

		Reappropriation	Appropriation
H Ed Constr Acct		-0-	2,018,000

Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	2,018,000	8/82

(10) To design, construct, and equip a receiving and delivery building.

		Reappropriation	Appropriation
H Ed Constr Acct		-0-	653,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
21,000	-0-	674,000	6/80

NEW SECTION. Sec. 191. FOR EASTERN WASHINGTON UNIVERSITY

(1) To construct and equip new physical education field house.

		Reappropriation	Appropriation
St H Ed Constr Acct		365,000	-0-
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
2,092,000	-0-	2,457,000	12/79

(2) To perform minor capital improvements to comply with current fire and safety codes, and provide for handicap access.

		Reappropriation	Appropriation
EWU Cap Proj Acct		178,000	-0-
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
278,000	-0-	456,000	6/80

(3) To provide minor building alterations or renovations for section 504 handicapped access compliance.

		Reappropriation	Appropriation
St H Ed Constr Acct		-0-	441,000

Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	441,000	6/81

(4) To perform minor capital improvements to correct facility deficiencies and improve utilization.

	Reappropriation	Appropriation
EWU Cap Proj Acct	360,000	2,472,000

Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
429,000	-0-	3,925,000	6/81

(5) To construct and equip utility loop system and implement facility energy conservation improvements.

	Reappropriation	Appropriation
EWU Cap Proj Acct	163,000	-0-

Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
2,000	-0-	165,000	6/80

(6) To design, remodel, renovate, and equip Martin Hall.

	Reappropriation	Appropriation
H Ed Constr Acct	-0-	3,100,000

Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	3,100,000	4/82

(7) To design, construct, and equip an aquatics building.

	Reappropriation	Appropriation
H Ed Constr Acct	-0-	1,765,000

Project Costs	Estimated Costs	Estimated Total Costs	Estimated Completion Date

Through 6/30/79	7/1/81 and Thereafter	Costs	Date
72,000	-0-	1,837,000	2/81

NEW SECTION. Sec. 192. FOR CENTRAL WASHINGTON UNIVERSITY

(1) Alterations to facilities that will effect efficiencies in operations, extend useful life, and make needed safety correction.

		Reappropriation	Appropriation
CWU Cap Proj Acct		160,000	-0-
Project Costs	Estimated Costs	Estimated Total Costs	Estimated Completion Date
Through 6/30/79	7/1/81 and Thereafter		
216,000	-0-	286,000	1/80

(2) To effect repairs and alterations to utility system for improved efficiencies, implementation of safety codes, and extension of lifetime.

		Reappropriation	Appropriation
CWU Cap Proj Acct		230,000	-0-
Project Costs	Estimated Costs	Estimated Total Costs	Estimated Completion Date
Through 6/30/79	7/1/81 and Thereafter		
160,000	-0-	390,000	6/81

(3) Renovation and remodeling of vacated library building to house communications, mass media, computer sciences, special pathology, executive offices, and audio-visual services in Bouillon Hall.

		Reappropriation	Appropriation
St H Ed Constr Acct		450,000	-0-
Project Costs	Estimated Costs	Estimated Total Costs	Estimated Completion Date
Through 6/30/79	7/1/81 and Thereafter		
1,665,000	-0-	2,115,000	3/80

(4) Installation of central ventilation system to supply and exhaust air to Randall Hall.

Reappropriation	Appropriation
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CWU Cap Proj Acct		70,000	-0-
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
14,000	-0-	84,000	11/79

(5) To provide minor building alterations or renovations for section 504 handicapped access compliance.

		Reappropriation	Appropriation
St H Ed Constr Acct		-0-	532,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	532,000	6/81

(6) Construction of new greenhouse adjacent to Dean Science Building.

		Reappropriation	Appropriation
H Ed Constr Acct		-0-	481,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
3,000	-0-	485,000	8/80

(7) Conformance to safety health standards.

		Reappropriation	Appropriation
CWU Cap Proj Acct		100,000	-0-
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
19,000	-0-	119,000	6/82

(8) Modifications for the handicapped.

		Reappropriation	Appropriation
CWU Cap Proj Acct		120,000	-0-
Project Costs	Estimated Costs	Estimated Total	Estimated Completion

Through 6/30/79	7/1/81 and Thereafter	Costs	Date
42,000	-0-	162,000	12/79

(9) Minor renovations and additions for better facility utilization and meet changes in program needs.

		Reappropriation	Appropriation
CWU Cap Proj Acct		40,000	-0-
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
60,000	-0-	100,000	11/79

(10) Planning funds to restore and remodel Barge Hall.

		Reappropriation	Appropriation
CWU Cap Proj Acct		10,000	-0-
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
8,000	-0-	18,000	8/79

(11) Complete design of McConnell Hall for renovation and remodeling to add a multiform theater and associated components and to remodel Wildcat Shop for computer services.

		Reappropriation	Appropriation
H Ed Constr Acct		-0-	3,499,000
St H Ed Constr Acct		40,000	-0-
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
261,000	-0-	3,780,000	3/81

(12) Minor capital improvements and land acquisition to upgrade university buildings, facilities, and grounds.

		Reappropriation	Appropriation
CWU Cap Proj Acct		-0-	2,217,000
Project	Estimated	Estimated	Estimated

Costs Through 6/30/79	Costs 7/1/81 and Thereafter	Total Costs	Completion Date
-0-	325,000	2,542,000	6/81

(13) To improve, extend, and modify underground utilities and services.

		Reappropriation	Appropriation
CWU Cap Proj Acct		-0-	1,026,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	1,026,000	6/81

(14) To provide funding which will enable the university to share costs with the city of Ellensburg in fire pumper truck purchase.

		Reappropriation	Appropriation
CWU Cap Proj Acct		-0-	40,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	40,000	12/79

NEW SECTION. Sec. 193. FOR THE EVERGREEN STATE COLLEGE

(1) To construct and equip a Communications Laboratory.

		Reappropriation	Appropriation
St H Ed Constr Acct		150,000	-0-
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
8,305,000	-0-	8,455,000	6/81

(2) To provide minor building alterations or renovations for section 504 handicapped access compliance.

		Reappropriation	Appropriation
St H Ed Constr Acct		-0-	136,000
Project	Estimated	Estimated	Estimated

Costs Through 6/30/79	Costs 7/1/81 and Thereafter	Total Costs	Completion Date
-0-	-0-	136,000	6/81

(3) To provide emergency repairs and renovations for the library building.

		Reappropriation	Appropriation
TESC Cap Proj Acct		-0-	111,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	111,000	7/80

(4) To further develop outdoor recreation fields.

		Reappropriation	Appropriation
TESC Cap Proj Acct		-0-	328,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	328,000	11/80

NEW SECTION. Sec. 194. FOR WESTERN WASHINGTON UNIVERSITY

(1) Old Main renovation, including structural, mechanical, and electrical upgrading.

		Reappropriation	Appropriation
WWU Cap Proj Acct		103,000	-0-
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
3,401,000	-0-	3,504,000	6/81

(2) To construct and equip space for technology in applied art and provided equipment for home economics.

		Reappropriation	Appropriation
St H Ed Constr Acct		25,000	-0-

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Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
1,462,000	-0-	1,487,000	12/79

(3) To provide minor building alterations or renovations for section 504 handicapped access compliance.

		Reappropriation	Appropriation
St H Ed Constr Acct		-0-	327,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	327,000	6/81

(4) Construct and equip south campus fields and complete deferred improvements to south campus streets, walks, lighting, and landscaping.

		Reappropriation	Appropriation
St H Ed Constr Acct		-0-	2,300,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
107,000	-0-	2,407,000	5/81

(5) Improvements to academic buildings to provide for changing program requirements, improve instruction, space efficiency, and protect original investment.

		Reappropriation	Appropriation
WWU Cap Proj Acct		100,000	214,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
131,000	700,000	1,145,000	6/81

(6) Complete design to improve access to service facilities on south campus physical plant site including hazardous materials storage for non-academic needs.

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St H Ed Constr Acct		21,000	-0-
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
102,000	-0-	123,000	12/79

(7) Planning and construction funds for College of Business and Economics building.

		Reappropriation	Appropriation
H Ed Constr Acct		-0-	4,500,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	4,500,000	6/81

(8) Minor improvements to grounds to reduce operating costs, reduce danger from injury, increase safety, and protect original investment.

		Reappropriation	Appropriation
WWU Cap Proj Acct		35,000	217,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
40,000	300,000	592,000	6/81

(9) Make improvements to utility systems to reduce operating costs and increase efficiency.

		Reappropriation	Appropriation
WWU Cap Proj Acct		104,000	193,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
2,190,000	-0-	2,577,000	6/81

(10) Fire and physical safety improvements.

		Reappropriation	Appropriation
WWU Cap Proj Acct		100,000	186,000

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Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
231,000	40,000	557,000	6/81

(11) Art acquisition fund.

		Reappropriation	Appropriation
St Bldg Auth Constr Acct		17,000	-0-
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
4,037,000	-0-	4,504,000	6/81

(12) To purchase property in accordance with WWU Board of Trustees campus land use plan.

		Reappropriation	Appropriation
WWU Cap Proj Acct		-0-	30,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	250,000	280,000	6/81

(13) To provide several cost-effective improvements to conserve energy consumption.

		Reappropriation	Appropriation
WWU Cap Proj Acct		-0-	81,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	81,000	6/81

(14) Improvements to academic facilities to protect property and equipment.

		Reappropriation	Appropriation
WWU Cap Proj Acct		-0-	72,000
Project	Estimated	Estimated	Estimated

Costs Through 6/30/79	Costs 7/1/81 and Thereafter	Total Costs	Completion Date
-0-	30,000	102,000	6/81

(15) Construct fire station for use by city of Bellingham to provide more adequate fire and ambulance equipment and personnel availability to Western Washington University.

	Reappropriation	Appropriation
St H Ed Constr Acct	-0-	490,000
WWU Cap Proj Acct	-0-	318,000

Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	808,000	6/81

NEW SECTION. Sec. 195. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

The appropriations contained in this section adhere to the major projects priority list established by the state board and assume that the 1981-83 biennium priority listing will have the 8th priority through the 33rd priority projects of the 1979-81 biennium as the 1st through the 26th priority projects of the 1981-83 biennium. The budget also assumes Big Bend Community College will construct a \$2,500,000 physical education facility of which \$2,100,000 shall be from local funds and \$400,000 shall be from the sale proceeds of the South Campus to the Moses Lake School District.

(1) Reappropriations of projects approved and funded in previous biennia.

	Reappropriation	Appropriation
Com Col Cap Impvmt Acct	735,000	-0-
Com Col Cap Proj Acct	510,000	-0-
Com Col Cap Constr Acct	4,045,000	-0-

Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
18,665,000	-0-	23,955,000	2/81

(2) To provide minor building alterations or renovations for section 504 handicapped access compliance to be allocated to each district by the state board.

		Reappropriation	Appropriation
St H Ed Constr Acct		-0-	4,329,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	4,329,000	6/81

(3) Repair and reconstruct roofs on six community college campuses.

		Reappropriation	Appropriation
Com Col Cap Constr Acct		-0-	2,083,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	2,083,000	1/81

(4) To complete the design, construction, and equipping of three code-compliance projects at Clark College.

		Reappropriation	Appropriation
Com Col Cap Constr Acct		-0-	2,209,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
124,000	-0-	2,333,000	6/81

(5) To provide for minor capital improvements to correct facility deficiencies and improve utilization, to be allocated to each district by the state board.

		Reappropriation	Appropriation
Com Col Cap Constr Acct		-0-	1,949,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	1,949,000	6/81

(6) To provide for unforeseen emergency capital repairs, to be administered by the state board.

		Reappropriation	Appropriation
Com Col Cap Constr Acct		-0-	500,000
Project	Estimated	Estimated	Estimated
Costs	Costs	Total	Completion
Through	7/1/81 and	Costs	Date
6/30/79	Thereafter		
-0-	-0-	500,000	6/81

(7) To provide for unforeseen emergency roof repairs, to be administered by the state board.

		Reappropriation	Appropriation
Com Col Cap Constr Acct		-0-	800,000
Project	Estimated	Estimated	Estimated
Costs	Costs	Total	Completion
Through	7/1/81 and	Costs	Date
6/30/79	Thereafter		
-0-	-0-	800,000	6/81

(8) To perform community college master planning, to be administered by the state board.

		Reappropriation	Appropriation
Com Col Cap Impvmt Acct		-0-	200,000
Project	Estimated	Estimated	Estimated
Costs	Costs	Total	Completion
Through	7/1/81 and	Costs	Date
6/30/79	Thereafter		
-0-	-0-	200,000	6/81

(9) To perform fire and ventilation improvements on three campuses.

		Reappropriation	Appropriation
Com Col Cap Impvmt Acct		-0-	538,000
Project	Estimated	Estimated	Estimated
Costs	Costs	Total	Completion
Through	7/1/81 and	Costs	Date
6/30/79	Thereafter		
-0-	-0-	538,000	8/80

(10) To perform minor capital improvement repairs and renovations on nine campuses.

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Com Col Cap Constr Acct		-0-	2,196,000
Project	Estimated	Estimated	Estimated
Costs	Costs	Total	Completion
Through	7/1/81 and	Costs	Date
6/30/79	Thereafter		
-0-	-0-	2,305,000	2/81

(11) The state board for community college education shall execute an agreement with the municipality of Bremerton within which is located the campus of community college district three for the transfer of municipally owned property within the campus to the state pursuant to state laws governing vacation of city rights of way and for the transfer of state owned property to the municipality: PROVIDED, That such an agreement shall result in a net increase in acreage of the campus and that the property transferred from the state to the municipality is used exclusively for the purpose of traffic flow and access to, through, and around the campus. Once the agreement has been executed, the appropriation provided in this subsection shall be granted by the board to the municipality.

		Reappropriation	Appropriation
Com Col Cap Proj Acct		-0-	375,000
Project	Estimated	Estimated	Estimated
Costs	Costs	Total	Completion
Through	7/1/81 and	Costs	Date
6/30/79	Thereafter		
-0-	-0-	375,000	6/81

(12) To perform four minor utility and mechanical systems improvements at three campuses.

		Reappropriation	Appropriation
Com Col Cap Constr Acct		-0-	250,000
Project	Estimated	Estimated	Estimated
Costs	Costs	Total	Completion
Through	7/1/81 and	Costs	Date
6/30/79	Thereafter		
-0-	-0-	250,000	10/79

(13) To replace, repair, restore, install, and construct heating, ventilation, and air conditioning systems at five campuses.

		Reappropriation	Appropriation
Com Col Cap Proj Acct		-0-	2,005,000
Project	Estimated	Estimated	Estimated

Costs Through 6/30/79	Costs 7/1/81 and Thereafter	Total Costs	Completion Date
-0-	-0-	2,005,000	2/81

(14) To perform three feasibility studies for two colleges.

		Reappropriation	Appropriation
Com Col Cap Proj Acct		-0-	104,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	104,000	4/80

(15) Design, remodel, equip, and construct an addition to the Science and Vocational Instruction facilities at Shoreline Community College.

		Reappropriation	Appropriation
Com Col Cap Constr Acct		-0-	2,043,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	2,043,000	5/81

(16) Design, construct, and equip a vocational instruction building for industrial electronics at Peninsula College.

		Reappropriation	Appropriation
Com Col Cap Constr Acct		-0-	500,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	500,000	9/80

(17) Design, construct, and equip an addition to vocational facilities at Olympia Technical Community College.

		Reappropriation	Appropriation
Com Col Cap Impvmt Acct		-0-	652,000
Project Costs	Estimated Costs	Estimated Total	Estimated Completion

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Through 6/30/79	7/1/81 and Thereafter	Costs	Date
-0-	-0-	652,000	12/80

(18) To design a gymnasium at North Seattle.

		Reappropriation	Appropriation
Com Col Cap Constr Acct		-0-	267,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	3,448,000	3,715,000	12/81

(19) To design, construct, raze, remodel, and renovate vocational facilities at the Duwamish branch of the South Seattle Community College.

		Reappropriation	Appropriation
Com Col Cap Constr Acct		-0-	3,070,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	3,070,000	5/81

(20) To acquire and develop land, design, remodel, and construct facilities for maintenance and vocational instruction at Centralia College.

		Reappropriation	Appropriation
Com Col Cap Constr Acct		-0-	3,528,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	3,528,000	8/81

(21) To purchase a building and land, renovate existing facilities, and design and construct a vocational building at Lower Columbia Community College.

		Reappropriation	Appropriation
Com Col Cap Constr Acct		-0-	4,265,000
Com Col Cap Impvmt Acct		-0-	10,000
Com Col Cap Proj Acct		-0-	56,000

Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	1,867,000	6,198,000	11/82

NEW SECTION. Sec. 196. FOR THE BOARD OF EDUCATION—SUPERINTENDENT OF PUBLIC INSTRUCTION

**To provide for planning, construction, remodeling, and demolition of public school facilities: PROVIDED, That of this appropriation not more than \$8,000,000 shall be to provide minor building alterations or renovations for section 504 handicapped access compliance pursuant to procedures and requirements established by the state board which shall be separate and apart from the procedures and requirements of chapter 28A.47 RCW and chapter 180-30 WAC, each as now or hereafter amended, which govern the allocation of the balance of this appropriation item: PROVIDED, That notwithstanding any provision contained in chapter 28A.47 RCW and/or RCW 28A.47.800 through 28A.47.811, inclusive, as now or hereafter amended, or any regulation of the state board of education or the state superintendent of public instruction adopted after January 1, 1979, all school districts which passed a bond issue or special levy for capital construction or capital purposes, including a vocational-technical institute, on or before April 5, 1979, shall remain eligible for state matching funds on the same basis as provided under statutes and/or state board of education regulations in effect on or before January 1, 1979, and each such district application shall receive the same priority it would have received under state law and/or state board of education rules and regulations in effect at the time any such bond issue or special levy was approved by the voters: PROVIDED FURTHER, That this condition shall apply only to bond issues or capital levies for capital purposes approved by the voters prior to April 5, 1979, and shall not be construed as preventing future modifications of space standards for districts which pass a bond issue or special levy for capital construction or capital purposes after April 5, 1979.*

*Section 196 was partially vetoed, see message at end of chapter.

		Reappropriation	Appropriation
Com Sch Constr Fund		76,123,000	318,000,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
83,875,000	292,000,000	769,998,000	6/81

NEW SECTION. Sec. 197. FOR THE STATE PATROL

(1) Construct and equip facility for district command and detachment personnel, communications, dispatching, and VIN Inspection in Vancouver.

		Reappropriation	Appropriation
MV Fund—State		150,000	56,000
Project	Estimated	Estimated	Estimated
Costs	Costs	Total	Completion
Through	7/1/81 and	Costs	Date
6/30/79	Thereafter		
657,000	-0-	864,000	8/79

(2) Construct and equip weigh station facility on I-82 near the Washington-Oregon border at Plymouth to ensure truck compliance with existing laws and regulations.

		Reappropriation	Appropriation
MV Fund—State		-0-	320,000
Project	Estimated	Estimated	Estimated
Costs	Costs	Total	Completion
Through	7/1/81 and	Costs	Date
6/30/79	Thereafter		
-0-	-0-	320,000	12/80

(3) Construct VIN Inspection building at Kennewick to inspect out-of-state vehicles prior to licensing.

		Reappropriation	Appropriation
MV Fund—State		-0-	102,000
Project	Estimated	Estimated	Estimated
Costs	Costs	Total	Completion
Through	7/1/81 and	Costs	Date
6/30/79	Thereafter		
-0-	-0-	102,000	7/80

(4) Provide minor alterations and modifications to increase efficiency and useful life to existing facilities.

		Reappropriation	Appropriation
MV Fund—State		-0-	165,000
Project	Estimated	Estimated	Estimated
Costs	Costs	Total	Completion
Through	7/1/81 and	Costs	Date

6/30/79	Thereafter		
-0-	-0-	165,000	7/80

(5) Design funds for mobile radio relay sites at Octopus, Neilton Point/Salmon River Ridge, Republic, Pateros, and Okanogan.

		Reappropriation	Appropriation
MV Fund—State		-0-	3,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	1,134,000	1,137,000	6/83

(6) Design funds to construct mobile radio relay sites at Gardiner, Pullman, and Blue Mountain.

		Reappropriation	Appropriation
MV Fund—State		-0-	2,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	813,000	814,000	6/85

(7) Install chain link security fencing at Skamania, Stacker Butte, Roosevelt, Clyde, Lind, Chehalis, Kalama, Bellevue, and Gold Mountain.

		Reappropriation	Appropriation
MV Fund—State		-0-	27,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	27,000	10/79

(8) Relocate weigh station facility on SR 20 west of Mt. Vernon.

		Reappropriation	Appropriation
MV Fund—State		-0-	82,000
Project Costs Through	Estimated Costs 7/1/81 and	Estimated Total Costs	Estimated Completion Date

6/30/79

Thereafter

-0-

-0-

82,000

12/80

**NEW SECTION. Sec. 198. FOR THE ARTS COMMISSION—
ART WORK ALLOWANCE**

In accordance with RCW 43.17.200, 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. 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. For the purpose of this section, "building" does not include highway construction sheds, warehouses, or other buildings of a temporary nature.

NEW SECTION. Sec. 199. *The director of general administration shall transfer to the department of social and health services the facility known as Northern State Hospital, along with all attached real estate under the jurisdiction of the department of general administration.

*Section 199 was vetoed, see message at end of chapter.

NEW SECTION. Sec. 200. Notwithstanding the provisions of chapter 82, Laws of 1973 1st ex. sess., the house of representatives, the senate, and the permanent statutory committees shall pay expenses quarterly to the department of general administration facilities and services revolving fund for services rendered by the department for operations, maintenance, and supplies relating to buildings, structures, and facilities utilized by the legislature for the biennium beginning July 1, 1979.

NEW SECTION. Sec. 201. The word "agency" used herein means and includes every state government office, officer, each institution, whether educational, correctional, or other, and every department, division, board, and commission, except as otherwise provided in this act.

The phrase "agencies headed by elective officials" used herein means those executive offices or departments of the state which are directly supervised, administered, or controlled by the governor, lieutenant governor, secretary of state, treasurer, auditor, attorney general, superintendent of public instruction, commissioner of public lands, or insurance commissioner, but it does not include those boards, commissions, or committees on which one or more of the above-mentioned officials serve.

NEW SECTION. Sec. 202. In order to carry out the provisions of these appropriations and the state budget, the director of the office of financial management, with the approval of the governor, may:

(1) Allot all or any portion of the funds herein appropriated or included in the state budget, to the various agencies by such periods as he shall determine and may place any funds not so allotted in reserve available for subsequent allotment: **PROVIDED**, That the director of the office of financial management shall not alter allotment requests filed with him, nor shall he place in reserve any funds, for the following: Washington State Apple Advertising Commission; Washington State Fruit Commission; Washington Dairy Products Commission or any agricultural commodity commission created under chapter 15.66 RCW; the legislative branch of state government including the legislative budget committee, the statute law committee, and any legislative committee; or the judicial branch of state government: **PROVIDED FURTHER**, That the aggregate of allotments for any agency shall not exceed the total of applicable appropriations and local funds available to the agency concerned. It shall be unlawful for any officer or employee to incur obligations in excess of approved appropriations or to incur a deficiency and any obligations so made shall be deemed invalid. Nothing in this section or in chapter 328, Laws of 1959, shall prevent revisions 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; and

(4) Allot funds from appropriations in this act in advance of July 1, 1979, for the sole purpose of authorizing agencies to order goods, supplies, or services for delivery after July 1, 1979: **PROVIDED**, That no expenditures may be made from the appropriations contained in this act, except as otherwise provided, until after July 1, 1979.

NEW SECTION. Sec. 203. In the event that receipts are less than those appropriated in the budget from any source, expenditures shall be limited to the amount received and allotments made as provided in section 202 of this act. Receipts for purposes of this section 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. 204. State funds appropriated for the specific purpose of matching federal funds and which are not required wholly or in part to qualify for such federal funds shall be placed in reserve and shall revert to the fund from which appropriated at the end of the respective fiscal year.

****NEW SECTION. Sec. 205. Any programs which are supported in whole or in part by federal funds shall not receive any additional state funds for the programs in the event that federal funds are reduced or eliminated for the program.***

***Section 205 was vetoed, see message at end of chapter.**

NEW SECTION. Sec. 206. Unless otherwise provided for by this act with respect to any specific agency, program, or revenue source, any receipts from federal or other sources, or from gifts or grants, in excess of estimates for the budget expenditures as approved by the legislature and which are not otherwise available for general governmental purposes, may be received and allotted by the governor in accordance with RCW 43.79.260 through 43.79.282.

NEW SECTION. Sec. 207. If a scheduled program or project funded by the appropriations contained in this act has not been fully implemented during any quarter of the respective fiscal year, then the office of financial management shall withhold the equivalent amount of the appropriation and full time equivalent staff years from such program or project and shall place the same in reserve.

NEW SECTION. Sec. 208. Agencies are authorized to make refunds of erroneous or excessive payments and in the case of other refunds, which may be provided by law, without express appropriation therefor.

NEW SECTION. Sec. 209. Whenever allocations are made from the governor's emergency appropriation to an agency which is financed by other than general fund moneys, the director of the office of financial management shall direct the repayment of such allocated amount to the general fund from any balance in the fund or funds which finance such agency. No appropriation shall be necessary to effect such repayment.

NEW SECTION. Sec. 210. In addition to the amounts appropriated in this act for revenue for distribution, bond retirement and interest, and interest on registered warrants, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under any proper bond covenant made in accordance with law.

NEW SECTION. Sec. 211. Amounts received by an agency as reimbursements pursuant to RCW 39.34.130 shall be considered as returned loans of materials supplied or services rendered. Such amounts may be expended as a part of the original appropriation of the fund to which it belongs, without further or additional appropriation, subject to conditions and procedures prescribed by the director of the office of financial management, which shall provide for determination of full costs, disclosure of such reimbursements in the governor's budget, maximum interagency usage of data processing equipment and services, and such restrictions as will promote

more economical operations of state government without incurring continuing costs beyond those reimbursed.

NEW SECTION. Sec. 212. The chairmen of the senate committee on ways and means and the house appropriations committee shall review monthly reports of state agency expenditures prepared by the legislative evaluation and accountability program and shall advise their respective committee members of substantial deviations from an agency's allotment expenditure plan. The chairmen may request from an agency, or the office of financial management, such information as may be necessary to determine the reasons for such deviations.

NEW SECTION. Sec. 213. The office of financial management shall place in reserve status 3% of the general fund—state appropriations contained in this act. Such moneys shall remain in reserve status and may not be authorized for expenditure through the allotment process in any fiscal quarter unless the governor determines that projected economic conditions warrant additional expenditures: **PROVIDED,** That for institutions of higher education the requirements of this section are in addition to any enrollment reserve requirements set forth in section 214 of this act.

The provisions of this section shall not apply to sections 34, 38, or 100 of this act.

NEW SECTION. Sec. 214. In accordance with the provisions of this section, the office of financial management shall use the allotment process during the 1979–81 biennium to control the funding of the formula portion of the instruction services program of all the institutions of higher education. For the purpose of the controls outlined in this section, deviations in the formula entitlements for faculty staffing shall be the controlling factor for the four–year institutions of higher education while full time equivalent student enrollment will be the controlling factor for the community college system. For the purpose of this section, the "contract level" is defined as the level upon which the budget is based, and the "base level" is defined as the level corresponding to the prior year's actual enrollment level. Controls shall be applied to each four–year institution separately and to the community college system as a total entity. "Growth funding" is defined as that portion of the state general fund appropriation by which the contract level exceeds the base level. Growth funds may be allotted or placed in reserve at the option of the institution or system. Unearned growth funds will be reverted to the state general fund prior to the end of the fiscal year in which such growth fails to materialize. If The Evergreen State College's enrollments for the first year of the biennium exceed the contract level, additional funding will be considered. Olympia Technical Community College shall not become comprehensive and shall offer only courses essential to vocational education. Expenditures shall be authorized for the rental of off–campus classroom facilities by community college district number twelve when such rentals

would not reduce the current utilization of facilities already constructed on either of its campuses.

Reversions are not required when an institution's faculty formula entitlement as generated by actual enrollment, or in the case of the community colleges the actual annual average full time equivalent student enrollment, is within a set range of the contracted level. The allowable tolerances are as follows: University of Washington, Washington State University, and the community colleges as a system, 1 percent; Central Washington University, Eastern Washington University, and Western Washington University, 2 percent; and The Evergreen State College, 3 percent.

Contract enrollments for the second year of the biennium will be renegotiated if the first year's actual enrollment falls below the base level of the first year of the biennium.

NEW SECTION. Sec. 215. Real property leases with purchase options are prohibited without prior legislative approval.

NEW SECTION. Sec. 216. It is the expressed intention of the legislature that agency operational activity shall be regularly monitored by the office of financial management, under its statutory authority relating to the allotment control function, in order to limit fluctuations in the respective fiscal year spending patterns which tend to inflate the expenditures in the second fiscal year of the biennium. Particular control emphasis shall be placed on those instances in which the full time equivalent staff years authorization is deliberately delayed in order to increase the agency's full time equivalent staff years as substantiation for the second fiscal year of the ensuing biennial request. Unanticipated receipts, which are authorized by the governor and expended by any state agency, shall be allotted, monitored, and controlled.

NEW SECTION. Sec. 217. The superintendent of public instruction and the director of the state board for community college education, in conjunction with the director of the office of financial management, shall develop rules and regulations directing placement of local educational units' employees with nonstandard teaching certificates on the state-wide education and experience schedules.

NEW SECTION. Sec. 218. Any rate increases proposed for the legal services revolving fund or the general administration facilities and services revolving fund, or any change in the method of calculating changes from those funds, shall be subject to approval by the director of the office of financial management prior to implementation.

NEW SECTION. Sec. 219. To obtain maximum interagency use of aircraft, the aeronautics division in the department of transportation, in accordance with chapter 39.34 RCW, is hereby authorized to lease, purchase,

or otherwise acquire suitable aircraft which shall be utilized for the purposes of the department of transportation and also by other state agencies which have a need for an aircraft to carry out agency assigned responsibilities: PROVIDED, That the department of transportation is further authorized to enter into contractual agreements with other state agencies in order to acquire aircraft, establish rental rates for aircraft under their control, provide pilot services, aircraft maintenance, and make such other provisions as necessary to provide aircraft and related services for multi-agency use: PROVIDED FURTHER, That in order to achieve economy in the use of the appropriations contained within this act, no state agency may purchase or otherwise acquire an aircraft or enter into a flying service or aircraft rental contract without first seeking such service from the department of transportation and without prior approval of the director of the office of financial management.

NEW SECTION. Sec. 220. If any part of this act shall be found to be in conflict with federal requirements which are a prescribed condition to the allocation of federal funds to the state, such conflicting part of this act is hereby declared to be inoperative solely to the extent of such conflict, and such finding or determination shall not affect the operation of the remainder of this act; the rules and regulations under this act shall meet federal requirements which are a necessary condition to the receipt of federal funds by the state.

****NEW SECTION. Sec. 221. State agencies shall not receive or make a contractual agreement to receive any donation of real property or an interest therein which commits the agency to assume on a current basis or request at a future time appropriated funds for operating, development, or acquisition costs without prior approval of the legislative budget committee or the senate ways and means committee and house appropriations committee if the legislature is in session.***

****Section 221 was vetoed, see message at end of chapter.***

NEW SECTION. Sec. 222. Any capital improvements or capital project involving construction or major expansion of a state office facility, to include district headquarters, detachment offices, and off-campus faculty offices shall be reviewed by the department of general administration for possible consolidation and compliance with state office standards prior to allotment of funds. The intent of the requirement imposed by this section is to eliminate duplication and reduce total office space requirements where feasible, while ensuring proper service to the public.

NEW SECTION. Sec. 223. As used in this act the following phrases shall have the following meanings:

(1) "GF, Cap Bldg Constr Acct" means General Fund—Capital Building Construction Account;

- (2) "GF, State Bldg Constr Acct" means General Fund—State Building Construction Account;
- (3) "GF, Fish Cap Proj Acct" means General Fund—Fisheries Capital Projects Account;
- (4) "General Fund—ORA (HJR 52)" means General Fund—Outdoor Recreation Account, House Joint Resolution 52;
- (5) "General Fund—ORA (LWCF)" means General Fund—Outdoor Recreation Account, Federal Land and Water Conservation Fund;
- (6) "General Fund—ORA (Int. 215)" means General Fund—Outdoor Recreation Account, Initiative 215;
- (7) "General Fund—ORA (Ref. 28)" means General Fund—Outdoor Recreation Account, Referendum 28;
- (8) "General Fund—ORA (Ref. 18)" means General Fund—Outdoor Recreation Account, Referendum 18;
- (9) "General Fund—ORA (ATV)" means General Fund—Outdoor Recreation Account, All Terrain Vehicle Fund;
- (10) "Sal Enhmt Constr Acct" means Salmon Enhancement Construction Account;
- (11) "GF, For Dev Acct" means General Fund—Forest Development Account;
- (12) "GF, Res Mgmt Cost Acct" means General Fund—Resource Management Cost Account;
- (13) "GF, LJICA" means General Fund—Local Jail Improvement and Construction Account;
- (14) "GF, LIRA, DSHS Fac" means General Fund—Local Improvements Revolving Account—Department of Social and Health Services Facilities;
- (15) "DSHS Constr Acct" means State Social and Health Services Construction Account;
- (16) "CEP & RI Acct" means Charitable, Educational, Penal, and Reformatory Institutions Account;
- (17) "MV Fund—State" means Motor Vehicle Fund—State;
- (18) "WSU Bldg Acct" means Washington State University Building Account;
- (19) "St H Ed Constr Acct" means State Higher Education Construction Account;
- (20) "H Ed Constr Acct" means Higher Education Construction Account;
- (21) "Off/Lab Constr Acct" means Office/Laboratory Construction Account;
- (22) "Com Sch Constr Fund" means Common School Construction Fund;
- (23) "EWU Cap Proj Acct" means Eastern Washington University Capital Projects Account;

- (24) "TESC Cap Proj Acct" means The Evergreen State College Capital Projects Account;
- (25) "Com Col Cap Impvmt Acct" means Community College Capital Improvement Account;
- (26) "Com Col Cap Proj Acct" means Community College Capital Projects Account;
- (27) "Com Col Cap Constr Acct" means 1975 Community College Capital Construction Account;
- (28) "CWU Cap Proj Acct" means Central Washington University Capital Projects Account;
- (29) "UW Bldg Acct" means University of Washington Building Account;
- (30) "St Bldg Auth Constr Acct" means State Building Authority Construction Account;
- (31) "WWU Cap Proj Acct" means Western Washington University Capital Projects Account;
- (32) "WSU Constr Acct" means Washington State University Construction Account;
- (33) "GF, Cap Purch & Dev Acct" means General Fund—Capitol Purchase and Development Account;
- (34) "GF, Pacific Northwest Festival Facility Constr Acct" means General Fund—Pacific Northwest Festival Facility Construction Account;
- (35) "GF, Cultural Facilities Constr Acct" means General Fund—Cultural Facilities Construction Account; and
- (36) The words "capital improvements" or "capital projects" used herein shall mean acquisition of sites, easements, rights of way, or improvements thereon and appurtenances thereto, construction and initial equipment, reconstruction, demolition, or major alterations of new or presently owned capital assets.

****NEW SECTION. Sec. 224. Expenditure of moneys appropriated by section 174 of this act shall be made in consultation with the prior approval of the state capitol committee in accordance with the provisions of chapter 79.24 RCW. In addition, the department of general administration shall consult with and obtain the approval of the joint legislative committee on capitol facilities prior to expenditure of moneys appropriated by this section on projects involving capitol buildings occupied wholly or in part by the legislature.***

****Section 224 was vetoed, see message at end of chapter.***

NEW SECTION. Sec. 225. To effectively carry out the provisions of this act, the governor may assign responsibility for planning, engineering, construction, and other related activities to any appropriate agency.

NEW SECTION. Sec. 226. Reappropriations shall be limited to the unexpended balances remaining June 30, 1979, in the current appropriation for each project.

NEW SECTION. Sec. 227. Notwithstanding any other provisions of law, for the 1981-83 biennium, state treasurer transfers of reimbursement to the general fund from the community college capital projects account for debt service payments made under the provisions of Title 28B RCW shall occur only after such debt service payment shall have been made and only to the extent that funds are actually available in the account. Any unpaid reimbursements shall be a continuing obligation against the community college capital projects account until paid. Beginning with the 1979-81 biennium, the state board for community college education need not accumulate any specific balance in the community college capital projects account in anticipation of transfers to reimburse the general fund.

NEW SECTION. Sec. 228. The governor, through the director of the office of financial management, may authorize a transfer of appropriation authority provided for a capital project which is in excess of the amount required for the completion of such project to another capital project for which the appropriation is insufficient. No such transfer shall be used to expand the capacity of any facility beyond that intended by the legislature in making the appropriation. Such transfers may be effected only between capital appropriations to a specific department, commission, agency, or institution of higher education and only between capital projects which are funded from the same fund or account.

Nothing in this section shall prevent the governor, through the director of the office of financial management, from authorizing the transfer of appropriation authority for capital projects for the parks and recreation commission, department of fisheries, department of game, department of natural resources, and the interagency committee for outdoor recreation which utilize the following funds: General Fund—ORA (Ref. 28), General Fund—ORA (Ref. 18), General Fund—ORA (Int. 215), and General Fund—ORA (LWCF). The governor, through the director of the office of financial management, may authorize similar transfers which utilize General Fund—ORA (HJR 52) funds, but only with the prior approval of the senate ways and means committee and the house appropriations committee if the legislature is in session, or the legislative budget committee if the legislature is not in session. Such transfers shall only be made to maximize the use of the funds within the limits of the appropriations.

A report of any transfer effected under this section shall be filed with the legislative auditor by the director of the office of financial management within thirty days of the date the transfer is effected. The legislative auditor shall review and compile these filings and periodically report thereon to the legislative budget committee and the appropriate standing committees of the house and senate.

NEW SECTION. Sec. 229. 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. 230. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1979.

Passed the House May 31, 1979.

Passed the Senate May 29, 1979.

Approved by the Governor June 25, 1979, with the exception of certain items and sections which I have vetoed.

Filed in Office of Secretary of State June 25, 1979.

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

"I am returning herewith without my approval as to certain sections and items House Bill No. 516 entitled:

"AN ACT Adopting the budget; making appropriations and authorizing expenditures for the operations of state agencies for the fiscal biennium beginning July 1, 1979, and ending June 30, 1981; making appropriations and authorizing expenditures for capital improvements; authorizing certain projects; designating effective dates for certain appropriations; providing an effective date; and declaring an emergency."

The specific items and sections which I have vetoed are as follows:

1. Insurance Contributions

On pages 7 and 8, I have vetoed the proviso contained in subsection (14)(2)(g) which provides "that the funds contained in this subsection (2)(g) and (e) shall be expended exclusively for the maintenance of the level of health benefits being provided on the effective date of this act." This limit on employee benefits is inconsistent and possibly in direct conflict with the provisions of subsection (i). Subsection (i) was added to provide a means whereby benefits could be improved if funds were available. It would be impossible to distinguish between the funds referenced in subsections 14(2)(g) and (2)(e) and those in other sections of the bill. Therefore, any refunds or dividends used to improve benefits could well be in conflict with the proviso.

2. Military Department

On page 22, Section 50, I have vetoed subsection (1) which reads "No general fund moneys shall be expended for administration, operation or maintenance of the Washington State Guard."

I am vetoing this subsection because I believe that the State Guard is an important element of the total Military Department operations. It is essential that continuity exist in the State Guard if it is to be effective in time of emergency. The prohibition on using general fund money might very well impair the operation of the Washington State Guard.

3. Department of Social and Health Services — Developmental Disabilities

On page 28, Section 56 I have vetoed subsection (5) which directs that "\$120,000 shall be used to provide protection and advocacy services for the handicapped."

The budget already contains \$100,000 in federal funds for a protection and advocacy system for the developmentally disabled. An additional \$78,000 in state funds is included for legal services. It is inappropriate to divert state funding from direct services to establish a separate and duplicative advocacy function.

If there is truly a need for increased client advocacy, it should be funded from the private sector. An advocacy system ideally operates as an intermediary between the individual client and

the service provider. It creates an inherent conflict of interest to expect the state, as primary service provider, also to fund significant advocacy activities.

4. Department of Social and Health Services — Income Maintenance Grants Program

On page 32, Section 59, I have vetoed subsection (4) which provides that

"\$6,646,000 from state funds shall be expended for noncontinuing general assistance except that after the recipient has been determined eligible for such assistance for six consecutive weeks, the recipient's grant will be equivalent to two times the food only standard plus twenty dollars."

The General Assistance–noncontinuing program is designed to provide temporary assistance to those individuals who will become employed or who will be found eligible for other state or federal assistance programs. I am therefore requesting the Secretary, DSHS to review the General Assistance–Unemployable portion of the caseload to see if these persons can be provided help and needed services.

5. Department of Social and Health Services — Community Social Health Services Grants

On pages 33, 34, and 35, I have vetoed subsections one through three of Section 60. The stricken language provides that specified amounts shall be expended for vendor rate increases, child day care payments, and adult chore services. Given my commitment to improve conditions for senior citizens, and the difficulty associated with a precise determination of need and cost at this early time, I find it necessary to veto provisions that impose both upper and lower spending limits on a major portion of the funding for the Community Social Services program. It should be understood, however, that I strongly support the intent conveyed in these sections and as a consequence, will direct the DSHS to develop a spending plan that will reflect the purpose of the legislature and my own concerns regarding the provision of services to the elderly.

6. Department of Social and Health Services — Public Health Program

On page 36, Section 62, I have vetoed subsection (3):

"Not less than \$674,000 (of which \$506,000 shall be from federal funds) and 42 FTE staff years shall be spent for administration of the early periodic screening, testing, diagnosis, and treatment program (EPSDT)."

"(a) Local offices are to provide outreach for the EPSDT program.

(b) The department shall develop a screening/billing form to be used by EPSDT providers as a requirement for payment.

(c) The department shall develop a reporting system which will enable follow-up to the EPSDT diagnosis and treatment process.

(d) 2 FTE's shall be used by the department for the coordination and management of the EPSDT program."

In this subsection the legislature is setting forth detailed instructions in how to manage the early, periodic, screening, diagnosis, and treatment program. This unduly intrudes upon the role of the Executive Branch.

7. Department of Social and Health Services — Community Services Administration

On page 38, Section 65, I have vetoed subsection (3) which directs that "...not more than 306 FTE staff years and \$13,844,000 (of which \$8,901,000 shall be from federal funds) shall be utilized in the medical assistance administration program." One of the major initiatives in the Medical Assistance program is to contain costs through expanded surveillance and utilization review activities; this may require added staff within the available funds. The proviso unnecessarily restricts the department in this area since it does not allow for full implementation of cost — containment initiatives in this program.

8. Donations of Real Estate

I have vetoed Section 85(2) on page 46, Section 90(3) on pages 48 and 49, and Section 221 on page 166. In each of these instances, agencies are restricted from receiving or making contractual agreements to receive any donation of real property which commits the agency to future operating, development, or acquisition costs without prior approval of the Legislative Budget and/or House Appropriations and Senate Ways and Means Committees.

I believe that this language is excessively restrictive, will generate serious delays in the acquisition and management of public lands, and may discourage future donations. On the other hand the provisos reflect a legitimate legislative concern in an area that needs improved control. Accordingly, I have directed the Office of Financial Management to conduct a thorough review of real property acquisition policies by state agencies, and to propose statutory language changes, where appropriate, to the next legislative session.

9. Board of Education — Superintendent of Public Instruction

On page 156, Section 196, I have vetoed all of the language starting on line 25 and concluding on line 54. This language would restrict the application of state Board of Education rules governing the K-12 capital program. The unprecedented level of construction demand, and erratic nature of the dedicated fund source, make retention of state board administrative prerogatives essential. In addition, the proviso language improperly modifies a substantive statute, RCW 28A.47.802, that provides the board members necessary authority to accommodate changing conditions.

10. Northern State Hospital Transfer

I have vetoed Section 199 on page 159 which reads as follows: "The director of general administration shall transfer to the department of social and health services the facility known as Northern State Hospital, along with all attached real estate under the jurisdiction of the department of general administration."

At present, several agencies are housed in the facilities at Northern State Hospital, including the Department of Social and Health Services. I believe that it is in the best interest of the state for the Department of General Administration to manage multi-purpose real estate.

11. Federal Funds Loss

I have vetoed Section 205, page 161. This section requires that no additional state funds be provided to programs supported in whole or in part by federal funds, in the event that the program's anticipated federal funds are reduced or eliminated. This kind of provision is appropriate for programs that are wholly dependent upon federal funding, but many worthy activities do not fall into this category.

The state continually looks for ways to use available federal monies for expenses that would otherwise be funded from state sources. If anticipated federal funds do not materialize, there must be the capability to provide for essential programs from state funds.

12. Capitol Facilities

I have vetoed Section 224 on pages 168 and 169 which reads as follows:

"Expenditure of moneys appropriated by Section 174 of this act shall be made in consultation with the prior approval [sic] of the state capitol committee in accordance with the provisions of Chapter 79.24 RCW. In addition, the department of general administration shall consult with and obtain the approval of the joint legislative committee on capitol facilities prior to expenditure of moneys appropriated by this section on projects involving capitol buildings occupied wholly or in part by the legislature.

Cooperation with the Capitol Committee and the Joint Legislative Committee on Capitol Facilities is appropriate and I will direct General Administration to consult with these committees. However, the section if allowed to stand, would unduly restrict the executive branch in its responsibility to complete the capitol projects in an efficient and timely manner.

With the exception of the foregoing sections and items which I have vetoed for the reasons stated, the remainder of House Bill No. 516 is approved."

SJR 110 PROPOSED CONSTITUTIONAL AMENDMENTS

**PROPOSED CONSTITUTIONAL AMENDMENT ADOPTED AT
1979 FIRST EXTRAORDINARY SESSION
FOR SUBMISSION TO THE VOTERS AT THE
STATE GENERAL ELECTION, NOVEMBER, 1979**

SENATE JOINT RESOLUTION NO. 110

BE IT RESOLVED, BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF WASHINGTON, IN LEGISLATIVE SESSION ASSEMBLED:

THAT, At the next general election to be held in this state there shall be submitted to the qualified voters of the state for their approval and ratification, or rejection, an amendment to Article II, section 12 of the Constitution of the State of Washington, to read as follows:

Article II, section 12. (~~The first legislature shall meet on the first Wednesday after the first Monday in November, A.D., 1889. The second legislature shall meet on the first Wednesday after the first Monday in January, A.D., 1891, and sessions of the legislature shall be held biennially thereafter, unless specially convened by the governor, but the times of meeting of subsequent sessions may be changed by the legislature. After the first legislature the sessions shall not be more than sixty days.~~) (1) Regular Sessions. A regular session of the legislature shall be convened each year. Regular sessions shall convene on such day and at such time as the legislature shall determine by statute. During each odd-numbered year, the regular session shall not be more than one hundred five consecutive days. During each even-numbered year, the regular session shall not be more than sixty consecutive days.

(2) Special Legislative Sessions. Special legislative sessions may be convened for a period of not more than thirty consecutive days by proclamation of the governor pursuant to Article III, section 7 of this Constitution. Special legislative sessions may also be convened for a period of not more than thirty consecutive days by resolution of the legislature upon the affirmative vote in each house of two-thirds of the members elected or appointed thereto, which vote may be taken and resolution executed either while the legislature is in session or during any interim between sessions in accordance with such procedures as the legislature may provide by law or resolution. The resolution convening the legislature shall specify a purpose or purposes for the convening of a special session, and any special session convened by the resolution shall consider only measures germane to the purpose or purposes expressed in the resolution, unless by resolution adopted during the session upon the affirmative vote in each house of two-thirds of the members elected or appointed thereto, an additional purpose or purposes are expressed. The specification of purpose by the governor pursuant to Article

PROPOSED CONSTITUTIONAL AMENDMENTS SJR 112

III, section 7 of this Constitution shall be considered by the legislature but shall not be mandatory.

(3) Committees of the Legislature. Standing and special committees of the legislature shall meet and conduct official business pursuant to such rules as the legislature may adopt.

BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of the foregoing constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state.

Passed the Senate March 8, 1979.

Passed the House March 8, 1979.

Filed in Office of Secretary of State March 9, 1979.

PROPOSED CONSTITUTIONAL AMENDMENT ADOPTED AT
1979 FIRST EXTRAORDINARY SESSION
FOR SUBMISSION TO THE VOTERS AT THE
STATE GENERAL ELECTION, NOVEMBER, 1979

SENATE JOINT RESOLUTION NO. 112

BE IT RESOLVED, BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF WASHINGTON, IN LEGISLATIVE SESSION ASSEMBLED:

THAT, At the next general election to be held in this state there shall be submitted to the qualified voters of the state for their approval and ratification, or rejection, an amendment to Article II of the Constitution of the state of Washington by amending section 13 as follows:

Article II, Section 13. No member of the legislature, during the term for which he is elected, shall be appointed or elected to any civil office in the state, which shall have been created ~~((, or the emoluments of which shall have been increased;))~~ during the term for which he was elected. Any member of the legislature who is appointed or elected to any civil office in the state, the emoluments of which have been increased during his legislative term of office, shall be compensated for the initial term of the civil office at the level designated prior to the increase in emoluments.

BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of the foregoing constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state.

Passed the Senate March 21, 1979.

Passed the House April 10, 1979.

Filed in Office of Secretary of State April 16, 1979.

SJR 120 PROPOSED CONSTITUTIONAL AMENDMENTS

**PROPOSED CONSTITUTIONAL AMENDMENT ADOPTED AT
1979 FIRST EXTRAORDINARY SESSION
FOR SUBMISSION TO THE VOTERS AT THE
STATE GENERAL ELECTION, NOVEMBER, 1979**

SENATE JOINT RESOLUTION NO. 120

**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 rat-
ification, or rejection, an amendment to the state Constitution by adding a
new section to Article VIII to read as follows:**

**Article VIII, section Notwithstanding the provisions of section 7 of
this Article, until January 1, 1990 any county, city, town, quasi municipal
corporation, municipal corporation, or political subdivision of the state
which is engaged in the sale or distribution of energy may, as authorized by
the legislature, use public moneys or credit derived from operating revenues
from the sale of energy to assist the owners of residential structures in fi-
nancing the acquisition and installation of materials and equipment for the
conservation or more efficient use of energy in such structures. Except as
provided in section 7 of this Article, an appropriate charge back shall be
made for such extension of public moneys or credit and the same shall be a
lien against the residential structure benefited. Except as to contracts en-
tered into prior thereto, this amendment to the state Constitution shall be
null and void as of January 1, 1990 and shall have no further force or effect
after that date.**

**BE IT FURTHER RESOLVED, That the secretary of state shall cause
notice of the foregoing constitutional amendment to be published at least
four times during the four weeks next preceding the election in every legal
newspaper in the state.**

Passed the Senate May 29, 1979.

Passed the House May 22, 1979.

Filed in Office of Secretary of State June 4, 1979.

AUTHENTICATION

I, Dennis W. Cooper, 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 1979 first extraordinary session (46th 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 twentieth day of July, 1979.



Dennis W. Cooper

DENNIS W. COOPER
Code Reviser

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TABLE: BILL NO. TO CHAPTER NO.

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SHB 77	5 E1	HB 288	48
SHB 78	30 E1	SHB 291	95 E1
SHB 79	134 E1	SHB 295	90 E1
SHB 80	160 E1	SHB 298	163 E1
SHB 82	21	SHB 302	196 E1
HB 86	156	HB 307	244 E1
SHB 88	47	HB 308	117 E1
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HB 126	43	HB 345	11
HB 127	22	HB 346	12
SHB 133	137 E1	HB 347	13
SHB 139	23	HB 348	14
HB 140	76	HB 351	93 E1
HB 141	134	SHB 352	165 E1
SHB 144	108 E1	HB 358	148 E1
HB 149	126	HB 365	137
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SHB 156	112 E1	HB 376	197 E1
SHB 163	31 E1	HB 380	33 E1
HB 164	113 E1	SHB 398	103 E1
SHB 175	135	SHB 402	83
HB 178	100	HB 413	16 E1
SHB 186	32 E1	HB 415	100 E1
HB 187	24	SHB 418	219 E1
SHB 188	8 E1	HB 419	104 E1
HB 191	257 E1	HB 424	129 E1
SHB 195	113	SHB 425	103
HB 196	149 E1	HB 433	267 E1
SHB 201	15 E1	SHB 437	174 E1
2SHB 204	79	SHB 438	105 E1
SHB 219	114 E1	HB 441	198 E1
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SHB 227	172 E1	HB 450	106 E1
HB 229	91 E1	HB 455	34 E1
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SHB 504	131 E1	HB 847	141
HB 516	270 E1	HB 848	151
2SHB 527	268 E1	HB 849	158
SHB 535	138 E1	HB 860	142 E1
SHB 546	35 E1	HB 862	17 E1
SHB 554	245 E1	SHB 871	168 E1
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SHB 574	258 E1	HB 874	49
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HB 602	139	SHB 912	170 E1
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SHB 617	84	HB 923	146 E1
SHB 619	139 E1	HB 933	143 E1
HB 622	175 E1	HB 952	143
SHB 624	119 E1	HB 954	124 E1
HB 630	38 E1	SHB 962	43 E1
HB 636	85	SHB 972	179 E1
HB 645	120 E1	HB 983	44
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SHB 665	176 E1	SHB 1033	27
HB 666	140 E1	SHB 1034	181 E1
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HB 677	132	SHB 1057	46 E1
HB 689	39 E1	SHB 1064	247 E1
HB 691	9 E1	SHB 1075	220 E1
SHB 697	132 E1	HB 1114	144
SHB 706	167 E1	HB 1115	47 E1
SHB 729	125	SHB 1121	199 E1
HB 735	157	SHB 1126	48 E1
SHB 740	221 E1	HB 1133	50 E1
SHB 749	131	HB 1175	144 E1
HB 750	121 E1	SHB 1176	49 E1
SHB 751	122 E1	HB 1207	248 E1
HB 754	108	2SHB 1239	200 E1
SHB 755	178 E1	HB 1241	193 E1
HB 759	40 E1	SHB 1258	201 E1
SHB 768	259 E1	SHB 1281	182 E1
SHB 774	41 E1	SHB 1308	186 E1
HB 778	86	HB 1325	18 E1
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HB 788	105		
SHB 791	249 E1		
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1.16.050	AMD	77	1	7.48	ADD 1 8
1.20	ADD	10	E1 1	7.48	ADD 1 9
2.04.090	AMD	255	E1 4	7.48	ADD 1 10
2.06.030	AMD	102	1	7.48	ADD 1 12
2.06.060	AMD	255	E1 5	7.48	ADD 1 13
2.08.061	AMD	202	E1 1	7.48	ADD 1 14
2.08.062	AMD	202	E1 2	7.48	ADD 1 15
2.08.064	AMD	202	E1 3	7.48	ADD 1 17
2.08.065	AMD	202	E1 4	7.48	ADD 122 2
2.08.090	AMD	255	E1 6	7.48.050	AMD 1 1
2.10.180	AMD	205	E1 1	7.48.060	AMD 1 6
2.12	ADD	96	E1 4	7.48.070	AMD 1 11
2.24.010	AMD	54	E1 1	7.48.080	AMD 1 16
2.24.040	AMD	54	E1 2	7.48.090	AMD 1 18
2.36.060	AMD	135	E1 1	7.48.100	AMD 1 19
2.36.080	AMD	135	E1 2	7.64	ADD 132 E1 5-7
2.36.100	AMD	135	E1 3	7.64.010	AMD 132 E1 1
2.36.120	AMD	135	E1 4	7.64.020	AMD 132 E1 2
2.36.120	RECOD	135	E1 10	7.64.030	REP 132 E1 10
2.36.150	AMD	135	E1 7	7.64.040	REP 132 E1 10
2.56.010	AMD	255	E1 7	7.64.050	AMD 132 E1 3
3.20.020	AMD	102	2	7.64.100	AMD 132 E1 4
3.30.010	AMD	151	1	7.68	ADD 219 E1 11
3.30.090	AMD	136	E1 15	7.68	ADD 219 E1 12-20
3.42.020	AMD	136	E1 16	7.68.065	AMD 219 E1 10
3.50.020	AMD	136	E1 17	8.04.090	AMD 151 7
3.50.030	AMD	136	E1 18	8.04.160	AMD 151 8
3.50.280	AMD	136	E1 19	9.41.070	AMD 158 1
3.58.010	AMD	255	E1 8	9.41.110	AMD 158 2
3.58.020	AMD	255	E1 9	9.41.170	AMD 158 3
3.62.070	AMD	129	E1 1	9.79.140	RECOD 244 E1 17
3.66.010	AMD	136	E1 20	9.79.150	RECOD 244 E1 17
3.66.020	AMD	102	3	9.79.160	RECOD 244 E1 17
4.24	ADD	264	E1 1,2	9.79.170	AMD 244 E1 1
4.24.210	AMD	53	1	9.79.170	RECOD 244 E1 17
4.24.250	AMD	17	1	9.79.180	AMD 244 E1 2
4.24.320	AMD	145	1	9.79.180	RECOD 244 E1 17
4.44.200	REP	135	E1 9	9.79.190	AMD 244 E1 3
4.56.210	AMD	236	E1 1	9.79.190	RECOD 244 E1 17
4.56.225	REP	236	E1 2	9.79.200	AMD 244 E1 4
4.92.040	AMD	151	2	9.79.200	RECOD 244 E1 17
4.92.040	AMD	167	E1 1	9.79.210	AMD 244 E1 5
4.92.100	AMD	151	3	9.79.210	RECOD 244 E1 17
4.92.110	AMD	151	4	9.79.220	AMD 244 E1 6
4.92.140	AMD	144	E1 1	9.79.220	RECOD 244 E1 17
4.92.150	AMD	144	E1 2	9.92.060	AMD 29 1
4.92.160	AMD	151	5	9.94	ADD 121 2-6
4.92.160	AMD	144	E1 3	9.94.040	AMD 121 1
4.92.170	AMD	151	6	9.95.060	AMD 141 1
5.60.060	AMD	215	E1 2	9.95.120	AMD 141 2
6.16.020	AMD	65	E1 1	9.95.121	AMD 141 3
6.36.035	AMD	97	1	9.95.124	AMD 141 4
7	ADD	103	1-7	9.95.170	AMD 141 5
7.48	ADD	1	2	9.95.200	AMD 141 6
7.48	ADD	1	3	9.95.210	AMD 29 2
7.48	ADD	1	4	9.95.210	AMD 141 7
7.48	ADD	1	5	9.95.250	AMD 141 8
7.48	ADD	1	7	9.95.260	AMD 141 9

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9A.16.020	AMD	244 E1	7	12.28.050	REP 132 E1 10
9A.16.030	AMD	244 E1	8	12.28.060	REP 132 E1 10
9A.20.030	AMD	29	3	12.28.070	REP 132 E1 10
9A.36.020	AMD	244 E1	9	12.28.080	REP 132 E1 10
9A.36.030	AMD	244 E1	10	12.28.090	REP 132 E1 10
9A.48.080	AMD	145	2	12.28.100	REP 132 E1 10
9A.48.100	AMD	145	3	12.28.110	REP 132 E1 10
9A.48.100	AMD	244 E1	11	12.36.010	AMD 136 E1 21
9A.52.070	AMD	244 E1	12	12.40.010	AMD 102 4
9A.52.080	AMD	244 E1	13	13	ADD 155 8-11
9A.56.060	AMD	244 E1	14	13	ADD 155 15-34
9A.76.010	AMD	155	35	13.04	ADD 155 14
9A.88.020	RECOD	244 E1	17	13.04.011	AMD 155 1
9A.88.030	AMD	244 E1	15	13.04.021	AMD 155 2
9A.88.100	RECOD	244 E1	17	13.04.030	AMD 155 3
10	ADD	105 E1	2-7	13.04.033	AMD 155 4
10.05.060	AMD	158	4	13.04.035	AMD 155 5
10.31.100	AMD	28 E1	1	13.04.040	AMD 155 6
10.46.220	AMD	129	1	13.04.093	AMD 165 E1 6
10.46.230	AMD	129	2	13.04.130	AMD 155 7
10.77.090	AMD	215 E1	3	13.04.270	REP 155 86
10.77.110	AMD	215 E1	4	13.04.272	REP 155 86
10.85.010	REP	53 E1	5	13.04.274	REP 155 86
10.85.020	REP	53 E1	5	13.04.276	RECOD 155 12
10.85.025	REP	53 E1	5	13.04.278	RECOD 155 12
10.85.030	AMD	53 E1	1	13.04.278	AMD 155 13
10.85.040	AMD	53 E1	2	13.06.020	AMD 141 13
10.85.050	AMD	53 E1	3	13.06.030	AMD 141 14
10.88.330	AMD	244 E1	16	13.06.040	AMD 141 15
10.97	ADD	36 E1	6	13.06.050	AMD 151 9
10.97.030	AMD	158	5	13.06.060	AMD 141 16
10.97.030	AMD	36 E1	1	13.07.010	AMD 141 17
10.97.040	AMD	36 E1	2	13.07.030	AMD 141 18
10.97.080	AMD	36 E1	3	13.07.050	AMD 141 19
10.97.090	AMD	36 E1	4	13.07.060	AMD 141 20
10.97.110	AMD	36 E1	5	13.24	ADD 155 36
11.08	ADD	209 E1	18	13.24.040	AMD 86 E1 1
11.08.005	REP	107	27	13.30.010	REP 155 86
11.08.101	AMD	141	10	13.30.020	REP 155 86
11.08.120	AMD	141	11	13.30.030	REP 155 86
11.08.210	AMD	209 E1	19	13.30.040	REP 155 86
11.66.010	AMD	141	12	13.32.010	REP 155 86
11.86	ADD	209 E1	49	13.32.020	REP 155 86
11.86.010	AMD	209 E1	42	13.32.030	REP 155 86
11.86.020	AMD	209 E1	43	13.32.040	REP 155 86
11.86.030	AMD	209 E1	44	13.32.050	REP 155 86
11.86.040	AMD	209 E1	45	13.34	ADD 155 50-53
11.86.050	AMD	209 E1	46	13.34	ADD 201 E1 3
11.86.060	AMD	209 E1	47	13.34.030	AMD 155 37
11.86.070	AMD	209 E1	48	13.34.050	AMD 155 38
11.88.125	AMD	32	1	13.34.060	AMD 155 39
11.92.040	AMD	32	2	13.34.070	AMD 155 40
12.12.050	AMD	135 E1	11	13.34.080	AMD 155 41
12.28	ADD	132 E1	8	13.34.090	AMD 155 42
12.28.010	REP	132 E1	10	13.34.100	AMD 155 43
12.28.020	REP	132 E1	10	13.34.110	AMD 155 44
12.28.030	REP	132 E1	10	13.34.120	AMD 155 45
12.28.040	REP	132 E1	10	13.34.130	AMD 155 46

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13.34.140	REP	155	86	16.36.030	AMD 154 9
13.34.180	AMD	155	47	16.36.040	AMD 154 10
13.34.190	AMD	155	48	16.36.050	AMD 154 11
13.34.210	AMD	155	49	16.36.060	AMD 154 12
13.40	ADD	155	56	16.36.090	AMD 154 13
13.40	ADD	155	74	16.36.095	AMD 154 14
13.40.020	AMD	155	54	16.40.010	AMD 154 15
13.40.030	AMD	155	55	16.40.060	AMD 154 16
13.40.040	AMD	155	57	16.40.060	AMD 238 E1 9
13.40.050	AMD	155	58	16.40.100	REP 154 26
13.40.060	AMD	155	59	16.52.070	AMD 145 4
13.40.070	AMD	155	60	16.57	ADD 154 25
13.40.080	AMD	155	61	16.57.010	AMD 154 17
13.40.100	AMD	155	62	16.57.290	AMD 154 18
13.40.110	AMD	155	63	16.58	ADD 81 6
13.40.120	AMD	155	64	16.58.010	AMD 81 1
13.40.130	AMD	155	65	16.58.050	AMD 81 2
13.40.140	AMD	155	66	16.58.100	AMD 81 3
13.40.150	AMD	155	67	16.58.130	AMD 81 4
13.40.160	AMD	155	68	16.58.140	AMD 81 5
13.40.170	REP	155	86	16.65.030	AMD 91 E1 1
13.40.190	AMD	155	69	16.65.040	AMD 91 E1 2
13.40.200	AMD	155	70	17.10.170	AMD 118 1
13.40.210	AMD	155	71	17.10.200	AMD 118 3
13.40.230	AMD	155	72	17.10.230	AMD 118 2
13.40.300	AMD	155	73	17.21	ADD 92 6-10
14.08.304	AMD	126 E1	3	17.21.020	AMD 92 1
15.24.090	AMD	20	1	17.21.030	AMD 92 2
15.36.130	AMD	141	21	17.21.200	AMD 92 3
15.36.425	AMD	141	22	17.21.203	AMD 92 4
15.36.550	AMD	141	23	17.21.205	AMD 92 5
15.36.560	AMD	141	24	18	ADD 114 2-7
15.38.010	AMD	154	21	18.04.120	AMD 158 7
15.44.010	AMD	238 E1	1	18.04.200	AMD 158 8
15.44.020	AMD	238 E1	2	18.04.220	AMD 158 9
15.44.050	AMD	238 E1	3	18.04.290	AMD 158 10
15.44.060	AMD	238 E1	4	18.15.010	REP 99 80
15.44.085	AMD	238 E1	5		(Eff. 6/30/84)
15.44.087	AMD	238 E1	6	18.15.020	REP 99 80
15.44.090	AMD	238 E1	7		(Eff. 6/30/84)
15.44.120	REP	238 E1	8	18.15.040	REP 99 80
15.49.330	AMD	154	1		(Eff. 6/30/84)
15.53.9018	AMD	91	1	18.15.045	REP 99 80
15.53.902	AMD	154	2		(Eff. 6/30/84)
15.54.360	AMD	154	3	18.15.050	AMD 158 11
15.58	ADD	146	4,5	18.15.050	REP 99 80
15.58.030	AMD	146	1		(Eff. 6/30/84)
15.58.100	AMD	146	2	18.15.051	REP 99 80
15.58.150	AMD	146	3		(Eff. 6/30/84)
15.58.390	REP	146	6	18.15.052	REP 99 80
15.65.070	AMD	154	4		(Eff. 6/30/84)
15.65.490	AMD	154	5	18.15.053	REP 99 80
15.66.150	AMD	93 E1	1		(Eff. 6/30/84)
16.08.050	AMD	148	1	18.15.054	REP 99 80
16.13	ADD	154	22		(Eff. 6/30/84)
16.13.020	AMD	154	6	18.15.055	REP 99 80
16.13.030	AMD	154	7		(Eff. 6/30/84)
16.36.020	AMD	154	8		

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18.15.056	REP 99 (Eff. 6/30/84)	80	18.18.040	REP 99 (Eff. 6/30/84)	78
18.15.060	REP 99 (Eff. 6/30/84)	80	18.18.050	REP 99 (Eff. 6/30/84)	78
18.15.065	AMD 158	12	18.18.065	REP 99 (Eff. 6/30/84)	78
18.15.065	REP 99 (Eff. 6/30/84)	80	18.18.070	REP 99 (Eff. 6/30/84)	78
18.15.070	REP 99 (Eff. 6/30/84)	80	18.18.080	REP 99 (Eff. 6/30/84)	78
18.15.080	REP 99 (Eff. 6/30/84)	80	18.18.090	REP 99 (Eff. 6/30/84)	78
18.15.090	AMD 158	13	18.18.090	AMD 242 E1	2
18.15.090	REP 99 (Eff. 6/30/84)	80	18.18.100	AMD 158	16
18.15.095	REP 99 (Eff. 6/30/84)	80	18.18.100	REP 99 (Eff. 6/30/84)	78
18.15.097	REP 99 (Eff. 6/30/84)	80	18.18.102	REP 99 (Eff. 6/30/84)	78
18.15.100	REP 99 (Eff. 6/30/84)	80	18.18.104	REP 99 (Eff. 6/30/84)	78
18.15.110	REP 99 (Eff. 6/30/84)	80	18.18.106	REP 99 (Eff. 6/30/84)	78
18.15.120	REP 99 (Eff. 6/30/84)	80	18.18.108	REP 99 (Eff. 6/30/84)	78
18.15.125	REP 99 (Eff. 6/30/84)	80	18.18.110	REP 99 (Eff. 6/30/84)	78
18.15.130	REP 99 (Eff. 6/30/84)	80	18.18.120	REP 99 (Eff. 6/30/84)	78
18.15.140	REP 99 (Eff. 6/30/84)	80	18.18.130	REP 99 (Eff. 6/30/84)	78
18.15.150	REP 99 (Eff. 6/30/84)	80	18.18.140	REP 99 (Eff. 6/30/84)	78
18.15.160	REP 99 (Eff. 6/30/84)	80	18.18.140	AMD 242 E1	3
18.15.200	REP 99 (Eff. 6/30/84)	80	18.18.150	REP 99 (Eff. 6/30/84)	78
18.15.210	REP 99 (Eff. 6/30/84)	80	18.18.160	REP 99 (Eff. 6/30/84)	78
18.15.220	REP 99 (Eff. 6/30/84)	80	18.18.170	REP 99 (Eff. 6/30/84)	78
18.15.230	REP 99 (Eff. 6/30/84)	80	18.18.180	REP 99 (Eff. 6/30/84)	78
18.15.240	REP 99 (Eff. 6/30/84)	80	18.18.190	REP 99 (Eff. 6/30/84)	78
18.15.250	REP 99 (Eff. 6/30/84)	80	18.18.200	REP 99 (Eff. 6/30/84)	78
18.15.900	REP 99 (Eff. 6/30/84)	80	18.18.210	REP 99 (Eff. 6/30/84)	78
18.18	ADD 242 E1	5	18.18.220	REP 99 (Eff. 6/30/84)	78
18.18.010	AMD 158	14	18.18.230	REP 99 (Eff. 6/30/84)	78
18.18.010	REP 99 (Eff. 6/30/84)	78	18.18.251	REP 99 (Eff. 6/30/84)	78
18.18.020	AMD 158	15	18.18.260	REP 99 (Eff. 6/30/84)	78
18.18.020	REP 99 (Eff. 6/30/84)	78	18.18.260	REP 99 (Eff. 6/30/84)	78
18.18.030	REP 99 (Eff. 6/30/84)	78	18.18.260	AMD 242 E1	4
			18.18.270	REP 99 (Eff. 6/30/84)	78

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18.18.290	REP 99 (Eff. 6/30/84)	78	18.27.900	REP 99 (Eff. 6/30/84)	84
18.18.300	AMD 158	17	18.28	ADD 156	2
18.18.300	REP 99 (Eff. 6/30/84)	78	18.28	ADD 156	7
18.18.900	REP 99 (Eff. 6/30/84)	78	18.28	ADD 156	10
18.18.910	REP 99 (Eff. 6/30/84)	78	18.28.010	AMD 156	1
18.20.020	AMD 141	25	18.28.060	AMD 156	3
18.20.100	AMD 141	26	18.28.080	AMD 156	4
18.22.040	AMD 158	18	18.28.100	AMD 156	5
18.26.030	AMD 111 E1	17	18.28.110	AMD 156	6
18.26.035	AMD 158	19	18.28.150	AMD 156	8
18.26.040	AMD 158	20	18.28.170	AMD 156	9
18.26.040	AMD 111 E1	18	18.29.020	AMD 158	30
18.26.050	AMD 158	21	18.29.030	AMD 158	31
18.26.070	AMD 158	22	18.29.060	AMD 158	32
18.26.070	AMD 111 E1	20	18.29.070	AMD 158	33
18.26.190	AMD 158	23	18.29.100	AMD 158	34
18.26.210	AMD 158	24	18.32.030	AMD 158	35
18.26.210	AMD 111 E1	19	18.32.035	AMD 38	1
18.26.220	AMD 158	25	18.32.040	AMD 38	2
18.26.230	AMD 158	26	18.32.050	AMD 38	3
18.26.240	AMD 158	27	18.32.520	AMD 158	36
18.26.290	AMD 158	28	18.34.020	AMD 158	37
18.26.300	AMD 158	29	18.35.010	AMD 158	38
18.27.010	REP 99 (Eff. 6/30/84)	84	18.37.010	AMD 156 E1	1
18.27.020	REP 99 (Eff. 6/30/84)	84	18.37.020	AMD 156 E1	2
18.27.030	REP 99 (Eff. 6/30/84)	84	18.37.030	AMD 156 E1	3
18.27.040	REP 99 (Eff. 6/30/84)	84	18.37.040	AMD 156 E1	4
18.27.050	REP 99 (Eff. 6/30/84)	84	18.37.050	AMD 156 E1	5
18.27.060	REP 99 (Eff. 6/30/84)	84	18.37.080	AMD 156 E1	6
18.27.070	REP 99 (Eff. 6/30/84)	84	18.37.140	AMD 156 E1	7
18.27.080	REP 99 (Eff. 6/30/84)	84	18.37.150	AMD 156 E1	8
18.27.085	REP 99 (Eff. 6/30/84)	84	18.39	ADD 62 E1	1
18.27.090	REP 99 (Eff. 6/30/84)	84	18.39.010	AMD 158	39
18.27.100	REP 99 (Eff. 6/30/84)	84	18.39.010	REP 99	55
18.27.100	AMD 116 E1	1		(Eff. 6/30/82)	
18.27.110	REP 99 (Eff. 6/30/84)	84	18.39.020	REP 99	55
18.27.120	REP 99 (Eff. 6/30/84)	84		(Eff. 6/30/82)	
18.27.130	REP 99 (Eff. 6/30/84)	84	18.39.030	REP 99	55
18.27.140	REP 99 (Eff. 6/30/84)	84		(Eff. 6/30/82)	
			18.39.040	AMD 158	40
			18.39.040	REP 99	55
				(Eff. 6/30/82)	
			18.39.050	REP 99	55
				(Eff. 6/30/82)	
			18.39.070	REP 99	55
				(Eff. 6/30/82)	
			18.39.080	REP 99	55
				(Eff. 6/30/82)	
			18.39.100	REP 99	55
				(Eff. 6/30/82)	
			18.39.120	REP 99	55
				(Eff. 6/30/82)	
			18.39.130	REP 99	55
				(Eff. 6/30/82)	
			18.39.145	REP 99	55
				(Eff. 6/30/82)	

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RCW	CH.	SEC.	RCW	CH.	SEC.
18.39.148	REP 99 (Eff. 6/30/82)	55	18.45.110	REP 99 (Eff. 6/30/82)	51
18.39.150	REP 99 (Eff. 6/30/82)	55	18.45.120	REP 99 (Eff. 6/30/82)	51
18.39.160	REP 99 (Eff. 6/30/82)	55	18.45.130	REP 99 (Eff. 6/30/82)	51
18.39.170	REP 99 (Eff. 6/30/82)	55	18.45.140	REP 99 (Eff. 6/30/82)	51
18.39.173	REP 99 (Eff. 6/30/82)	55	18.45.150	REP 99 (Eff. 6/30/82)	51
18.39.175	REP 99 (Eff. 6/30/82)	55	18.45.160	REP 99 (Eff. 6/30/82)	51
18.39.177	REP 99 (Eff. 6/30/82)	55	18.45.170	REP 99 (Eff. 6/30/82)	51
18.39.180	AMD 158	41	18.45.180	REP 99 (Eff. 6/30/82)	51
18.39.180	REP 99 (Eff. 6/30/82)	55	18.45.190	REP 99 (Eff. 6/30/82)	51
18.39.181	REP 99 (Eff. 6/30/82)	55	18.45.200	REP 99 (Eff. 6/30/82)	51
18.39.190	REP 99 (Eff. 6/30/82)	55	18.45.210	REP 99 (Eff. 6/30/82)	51
18.39.210	REP 99 (Eff. 6/30/82)	55	18.45.220	REP 99 (Eff. 6/30/82)	51
18.39.220	REP 99 (Eff. 6/30/82)	55	18.45.230	REP 99 (Eff. 6/30/82)	51
18.39.223	REP 99 (Eff. 6/30/82)	55	18.45.240	REP 99 (Eff. 6/30/82)	51
18.39.225	REP 99 (Eff. 6/30/82)	55	18.45.250	REP 99 (Eff. 6/30/82)	51
18.39.230	REP 99 (Eff. 6/30/82)	55	18.45.260	REP 99 (Eff. 6/30/82)	51
18.39.900	REP 99 (Eff. 6/30/82)	55	18.45.270	REP 99 (Eff. 6/30/82)	41
18.44.010	AMD 158	42	18.45.280	REP 99 (Eff. 6/30/82)	51
18.44.050	AMD 70	1	18.45.290	REP 99 (Eff. 6/30/82)	51
18.45.010	AMD 141	27	18.45.300	REP 99 (Eff. 6/30/82)	51
18.45.010	REP 99 (Eff. 6/30/82)	51	18.45.310	REP 99 (Eff. 6/30/82)	51
18.45.020	AMD 141	28	18.45.320	REP 99 (Eff. 6/30/82)	51
18.45.020	REP 99 (Eff. 6/30/82)	51	18.45.330	REP 99 (Eff. 6/30/82)	51
18.45.030	REP 99 (Eff. 6/30/82)	51	18.45.340	REP 99 (Eff. 6/30/82)	51
18.45.040	REP 99 (Eff. 6/30/82)	51	18.45.350	REP 99 (Eff. 6/30/82)	51
18.45.050	REP 99 (Eff. 6/30/82)	51	18.45.360	REP 99 (Eff. 6/30/82)	51
18.45.060	REP 99 (Eff. 6/30/82)	51	18.45.370	REP 99 (Eff. 6/30/82)	51
18.45.070	REP 99 (Eff. 6/30/82)	51	18.45.380	REP 99 (Eff. 6/30/82)	51
18.45.080	REP 99 (Eff. 6/30/82)	51	18.45.390	REP 99 (Eff. 6/30/82)	51
18.45.090	REP 99 (Eff. 6/30/82)	51			
18.45.100	REP 99 (Eff. 6/30/82)	51			

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18.45.400	REP 99 (Eff. 6/30/82)	51	18.64.005	AMD 90	2
18.45.410	REP 99 (Eff. 6/30/82)	51	18.64.007	AMD 90	3
18.45.420	REP 99 (Eff. 6/30/82)	51	18.64.009	AMD 90	4
18.45.430	REP 99 (Eff. 6/30/82)	51	18.64.011	AMD 90	5
18.45.440	AMD 141	29	18.64.020	AMD 90	6
18.45.440	REP 99 (Eff. 6/30/82)	51	18.64.040	AMD 90	7
18.45.450	AMD 141	30	18.64.043	AMD 90	8
18.45.450	REP 99 (Eff. 6/30/82)	51	18.64.045	AMD 90	9
18.45.460	REP 99 (Eff. 6/30/82)	51	18.64.047	AMD 90	10
18.45.470	AMD 141	31	18.64.080	AMD 90	11
18.45.470	REP 99 (Eff. 6/30/82)	51	18.64.110	REP 90	20
18.45.480	REP 99 (Eff. 6/30/82)	51	18.64.140	AMD 90	12
18.45.490	REP 99 (Eff. 6/30/82)	51	18.64.160	AMD 90	13
18.45.500	REP 99 (Eff. 6/30/82)	51	18.64.165	AMD 90	14
18.45.510	REP 99 (Eff. 6/30/82)	51	18.64.245	AMD 90	15
18.45.900	REP 99 (Eff. 6/30/82)	51	18.64.250	AMD 90	16
18.46.010	AMD 141	32	18.71.010	AMD 158	51
18.50.060	AMD 158	43	18.71.015	AMD 158	52
18.51	ADD 211 E1	63	18.71.075	REP 114 E1	1
18.51.060	AMD 228 E1	10	18.71.080	AMD 158	53
18.51.070	AMD 211 E1	64	18.71.080	AMD 158	54
18.51.090	REP 211 E1	68	18.71.080	AMD 158	55
18.51.100	AMD 211 E1	65	18.71.180	AMD 158	56
18.51.110	AMD 211 E1	66	18.71.230	AMD 158	57
18.51.310	AMD 211 E1	67	18.71A.070	AMD 158	58
18.52.020	AMD 158	44	18.72	ADD 111 E1	6,7,9, 13,15
18.52.060	AMD 158	45	18.72.030	AMD 111 E1	1
18.53.020	AMD 158	45	18.72.060	AMD 111 E1	2
18.53.140	AMD 158	47	18.72.100	AMD 158	59
18.54.050	AMD 158	48	18.72.100	AMD 111 E1	3
18.54.070	AMD 158	49	18.72.130	AMD 111 E1	4
18.54.140	AMD 158	50	18.72.150	AMD 111 E1	5
18.57	ADD 117	1-10	18.72.160	AMD 111 E1	8
18.57.020	AMD 117	11	18.72.170	AMD 111 E1	10
18.57.050	AMD 117	12	18.72.200	REP 111 E1	22
18.57.080	AMD 117	13	18.72.210	REP 111 E1	22
18.57.085	AMD 117	14	18.72.220	REP 111 E1	222
18.57.085	REP 114 E1	1	18.72.230	AMD 111 E1	11
18.57.130	AMD 117	15	18.72.250	AMD 158	60
18.57.170	AMD 117	16	18.72.250	AMD 111 E1	14
18.57.180	REP 117	18	18.72.275	AMD 111 E1	16
18.57.240	REP 117	18	18.72.310	REP 111 E1	22
18.57A.010	AMD 117	17	18.73	ADD 261 E1	8
18.64	ADD 90	17-19	18.73.030	AMD 261 E1	1
18.64.003	AMD 90	1	18.73.040	AMD 261 E1	2
			18.73.050	AMD 261 E1	3
			18.73.070	AMD 261 E1	5
			18.73.080	AMD 261 E1	6
			18.73.090	AMD 261 E1	9
			18.73.100	AMD 261 E1	10
			18.73.110	AMD 261 E1	11
			18.73.120	AMD 261 E1	12
			18.73.130	AMD 158	61
			18.73.130	AMD 261 E1	13
			18.73.140	AMD 261 E1	14
			18.73.150	AMD 261 E1	15
			18.73.160	AMD 261 E1	16

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18.73.170	AMD	261 E1	17	19.04.070	REP 99 47
18.73.180	AMD	261 E1	18		(Eff. 6/30/82)
18.74.020	AMD	158	62	19.04.080	REP 99 47
18.74.120	AMD	158	63		(Eff. 6/30/82)
18.78.050	AMD	158	64	19.04.090	REP 99 47
18.78.080	AMD	158	65		(Eff. 6/30/82)
18.78.090	AMD	158	66	19.04.100	REP 99 47
18.83.010	AMD	158	67		(Eff. 6/30/82)
18.85.010	AMD	158	68	19.04.110	REP 99 47
18.85.120	REEN	25	1		(Eff. 6/30/82)
18.85.140	REEN	25	2	19.08.010	REP 99 50
18.85.150	REEN	25	3		(Eff. 6/30/82)
18.85.230	AMD	25	4	19.08.020	REP 99 50
	REEN	25	4		(Eff. 6/30/82)
18.88.030	AMD	158	69	19.08.030	REP 99 50
18.88.190	AMD	106 E1	1		(Eff. 6/30/82)
18.90.010	AMD	158	70	19.09.020	AMD 158 80
18.90.010	REP	99	60	19.12.070	REP 32 E1 1
		(Eff. 6/30/82)		19.12.090	REP 32 E1 1
18.90.020	REP	99	60	19.16.100	AMD 158 81
		(Eff. 6/30/82)		19.18.010	REP 99 44
18.90.030	REP	99	60		(Eff. 6/30/82)
		(Eff. 6/30/82)		19.18.010	AMD 242 E1 1
18.90.040	REP	99	60	19.18.020	REP 99 44
		(Eff. 6/30/82)			(Eff. 6/30/82)
18.90.050	REP	99	60	19.18.030	REP 99 44
		(Eff. 6/30/82)			(Eff. 6/30/82)
18.90.060	REP	99	60	19.18.040	REP 99 44
		(Eff. 6/30/82)			(Eff. 6/30/82)
18.90.070	REP	99	60	19.18.050	REP 99 44
		(Eff. 6/30/82)			(Eff. 6/30/82)
18.90.900	REP	99	60	19.18.060	REP 99 44
		(Eff. 6/30/82)			(Eff. 6/30/82)
18.92.015	AMD	158	71	19.18.070	REP 99 44
18.92.021	AMD	31 E1	1		(Eff. 6/30/82)
18.92.070	AMD	158	72	19.18.080	REP 99 44
18.96.030	AMD	158	73		(Eff. 6/30/82)
18.108.010	AMD	158	74	19.18.090	REP 99 44
19	ADD	29 E1	1-6		(Eff. 6/30/82)
19	ADD	107 E1	1	19.18.100	REP 99 44
19.02.020	AMD	158	75		(Eff. 6/30/82)
19.02.030	AMD	158	76	19.18.110	REP 99 44
19.02.040	AMD	158	77		(Eff. 6/30/82)
19.02.050	AMD	158	78	19.18.120	REP 99 44
19.02.070	AMD	158	79		(Eff. 6/30/82)
19.04.010	REP	99	47	19.18.130	REP 99 44
		(Eff. 6/30/82)			(Eff. 6/30/82)
19.04.020	REP	99	47	19.18.140	REP 99 44
		(Eff. 6/30/82)			(Eff. 6/30/82)
19.04.030	REP	99	47	19.18.900	REP 99 44
		(Eff. 6/30/82)			(Eff. 6/30/82)
19.04.040	REP	99	47	19.27.030	AMD 76 E1 1
		(Eff. 6/30/82)		19.28.330	AMD 67 E1 1
19.04.050	REP	99	47	19.31.020	AMD 158 82
		(Eff. 6/30/82)		19.48.020	AMD 186 E1 14
19.04.060	REP	99	47	19.60	ADD 41 E1 1
		(Eff. 6/30/82)		19.60.064	REP 41 E1 2
				19.80.010	AMD 22 E1 1

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19.91.010	AMD	107	1	21.20.560	AMD 68 E1 39
19.91.190	AMD	107	2	21.20.580	AMD 68 E1 40
19.100	ADD	13 E1	2-4	21.20.705	AMD 140 1
19.100.010	AMD	158	83	21.20.720	AMD 158 87
19.100.210	AMD	13 E1	1	21.20.720	AMD 68 E1 41
19.105.010	AMD	158	84	21.20.740	AMD 68 E1 42
20.01.010	AMD	115 E1	1	21.20.745	AMD 68 E1 43
20.01.030	AMD	115 E1	2	21.20.915	AMD 68 E1 44
20.01.040	AMD	115 E1	3	22.09	ADD 238 E1 24-26
20.01.060	AMD	115 E1	4	22.09.010	AMD 238 E1 12
20.01.370	AMD	115 E1	5	22.09.040	AMD 238 E1 13
20.01.445	REP	115 E1	6	22.09.050	AMD 238 E1 14
20.01.450	AMD	141	33	22.09.130	AMD 238 E1 16
21.20.005	AMD	130	3	22.09.150	AMD 238 E1 17
21.20.005	AMD	68 E1	1	22.09.210	AMD 238 E1 18
21.20.040	AMD	68 E1	2	22.09.290	AMD 238 E1 19
21.20.050	AMD	68 E1	3	22.09.300	AMD 238 E1 20
21.20.070	AMD	68 E1	4	22.09.380	AMD 238 E1 21
21.20.080	AMD	68 E1	5	22.09.550	AMD 238 E1 22
21.20.090	AMD	68 E1	6	22.09.920	AMD 238 E1 23
21.20.110	AMD	68 E1	7	23.90.040	AMD 158 88
21.20.120	AMD	68 E1	8	23A.04.010	AMD 16 1
21.20.130	AMD	68 E1	9	23A.08	ADD 16 14
21.20.135	AMD	68 E1	10	23A.08.010	AMD 16 2
21.20.180	AMD	68 E1	11	23A.08.020	AMD 16 3
21.20.200	AMD	68 E1	12	23A.08.025	AMD 16 4
21.20.210	AMD	68 E1	13	23A.08.050	AMD 16 5
21.20.230	AMD	68 E1	14	23A.08.060	AMD 16 6
21.20.235	REP	68 E1	45	23A.08.100	AMD 16 7
21.20.250	AMD	68 E1	15	23A.08.120	AMD 16 8
21.20.275	AMD	68 E1	16	23A.08.150	AMD 16 9
21.20.280	AMD	68 E1	17	23A.08.190	AMD 16 10
21.20.290	AMD	68 E1	18	23A.08.200	AMD 16 11
21.20.300	AMD	68 E1	19	23A.08.230	AMD 16 12
21.20.310	AMD	130	4	23A.08.250	AMD 16 13
21.20.310	REEN	8	1	23A.08.280	AMD 16 15
21.20.310	AMD	68 E1	20	23A.08.290	AMD 16 16
21.20.320	AMD	68 E1	21	23A.08.300	AMD 16 17
21.20.325	AMD	130	14	23A.08.345	AMD 16 18
21.20.325	AMD	68 E1	22	23A.08.350	AMD 16 19
21.20.330	AMD	68 E1	23	23A.08.380	AMD 16 20
21.20.340	AMD	68 E1	24	23A.08.390	AMD 16 21
	REEN	68 E1	24	23A.08.410	AMD 16 22
21.20.370	AMD	68 E1	25	23A.08.420	AMD 16 23
21.20.380	AMD	68 E1	26	23A.08.450	AMD 16 24
21.20.390	AMD	68 E1	27	23A.08.470	AMD 16 25
21.20.400	AMD	68 E1	28	23A.08.500	AMD 16 26
21.20.410	AMD	68 E1	29	23A.12.020	AMD 16 27
21.20.430	AMD	68 E1	30	23A.12.040	AMD 16 28
21.20.435	AMD	68 E1	31	23A.12.050	REP 16 60
21.20.440	AMD	68 E1	32	23A.12.060	AMD 16 29
21.20.450	AMD	158	86	23A.16	ADD 16 33
21.20.450	AMD	68 E1	33	23A.16.020	AMD 16 30
21.20.470	AMD	68 E1	34	23A.16.040	AMD 16 31
21.20.480	AMD	68 E1	35	23A.16.060	AMD 16 32
21.20.500	AMD	68 E1	36	23A.16.070	REP 16 60
21.20.520	AMD	68 E1	37	23A.16.080	AMD 16 34
21.20.530	AMD	68 E1	38	23A.20	ADD 16 35

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23A.20.030	AMD	16	36	26.40.060	AMD	141	35
23A.20.040	AMD	16	37	27.12	ADD	40 E1	1
23A.20.050	AMD	16	38	27.24.070	AMD	126	1
23A.20.060	AMD	16	39	27.28.010	REP	99	68
23A.20.070	AMD	16	40		(Eff. 6/30/84)		
23A.24.010	AMD	16	41	27.28.010	REEN	9	1
23A.24.020	AMD	16	42	27.28.020	REP	99	68
23A.24.030	AMD	16	43		(Eff. 6/30/84)		
23A.24.040	AMD	16	44	27.28.021	REP	99	68
23A.28.010	AMD	16	45		(Eff. 6/30/84)		
23A.32	ADD	16	51-53	27.28.022	REP	99	68
23A.32.010	AMD	16	46		(Eff. 6/30/84)		
23A.32.030	AMD	16	47	27.28.030	REP	99	68
23A.32.040	AMD	16	48		(Eff. 6/30/84)		
23A.32.050	AMD	16	49	27.28.030	AMD	57 E1	1
23A.32.060	AMD	16	50	27.28.040	REP	99	68
23A.32.090	AMD	16	54		(Eff. 6/30/84)		
23A.32.140	AMD	16	55	27.32.010	REP	99	67
23A.36.030	AMD	16	56		(Eff. 6/30/84)		
23A.40.030	AMD	133 E1	1	27.32.010	REEN	9	2
23A.40.075	AMD	16	57	27.32.020	REP	99	67
23A.40.110	REP	16	60		(Eff. 6/30/84)		
23A.40.120	REP	16	60	27.32.030	REP	99	67
23A.40.130	REP	16	60		(Eff. 6/30/84)		
23A.40.140	REP	16	60	27.32.030	AMD	57 E1	2
23A.40.150	AMD	16	58	27.36.010	REP	99	66
23A.44.090	REP	16	60		(Eff. 6/30/84)		
23A.98.030	AMD	16	59	27.36.030	REP	99	66
24.03.410	AMD	133 E1	2		(Eff. 6/30/84)		
24.06.455	AMD	133 E1	3	27.36.040	REP	99	66
24.32.300	AMD	86	1		(Eff. 6/30/84)		
25.08.250	AMD	22 E1	2	27.36.040	AMD	57 E1	3
26	ADD	98	1-25	27.36.050	REP	99	66
26.04.030	AMD	128 E1	4		(Eff. 6/30/84)		
26.04.040	REP	128 E1	4	27.36.060	REP	99	66
26.04.165	AMD	141	34		(Eff. 6/30/84)		
26.04.180	AMD	128 E1	1	27.36.070	REP	99	66
26.04.210	AMD	128 E1	2		(Eff. 6/30/84)		
26.04.250	AMD	128 E1	3	27.40.020	REP	99	66
26.09.400	REP	155	86		(Eff. 6/30/84)		
26.32	ADD	165 E1	1-5, 7-14	27.48.030	REP	99	66
					(Eff. 6/30/84)		
26.32.030	AMD	165 E1	15	27.48.030	REP	99	67
26.32.040	REP	165 E1	23		(Eff. 6/30/84)		
26.32.050	REP	165 E1	23	28A	ADD	4	1-6
26.32.060	AMD	165 E1	16	28A	ADD	241 E1	1-11
26.32.070	REP	165 E1	23	28A.03.407	AMD	89	1
26.32.080	REP	165 E1	23	28A.04.120	AMD	173 E1	1
26.32.085	REP	165 E1	23	28A.04.131	AMD	158	89
26.32.090	AMD	155	75	28A.10.080	AMD	151	11
26.32.120	AMD	101 E1	1	28A.21.086	AMD	66 E1	1
26.32.120	AMD	165 E1	19	28A.27	ADD	201 E1	1,2
26.32.130	REP	165 E1	23	28A.27.010	AMD	201 E1	4
26.32.210	AMD	165 E1	17	28A.27.070	AMD	201 E1	5
26.34.050	AMD	151	10	28A.27.100	AMD	201 E1	6
26.36.050	AMD	165 E1	20	28A.27.110	AMD	201 E1	7
26.37.010	AMD	165 E1	18	28A.30.040	AMD	20 E1	1
26.37.015	REP	165 E1	23	28A.31	ADD	47	1-7

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RCW SECTIONS AFFECTED BY 1979 STATUTES

RCW	CH.	SEC.	RCW	CH.	SEC.
28A.31	ADD	118 E1	1-12	28A.61.050	REP 99 72
28A.41	ADD	149	1-7		(Eff. 6/30/84)
28A.41.130	AMD	250 E1	2	28A.61.060	REP 99 72
28A.41.140	AMD	151	12		(Eff. 6/30/84)
28A.41.140	AMD	250 E1	3	28A.71.210	AMD 149 10
28A.41.170	AMD	250 E1	6	28A.97	ADD 174 E1 3
28A.45	ADD	266 E1	1	28A.97.020	AMD 174 E1 1
28A.45.090	AMD	266 E1	2	28A.97.040	AMD 174 E1 2
28A.47.090	AMD	141	36	28B	ADD 73 1-13
28A.47.150	REP	67 E1	18	28B	ADD 188 E1 1-24
28A.47.160	REP	67 E1	18	28B	ADD 223 E1 1-6
28A.47.425	REP	67 E1	18	28B	ADD 226 E1 1-9
28A.47.430	REP	67 E1	18	28B	ADD 253 E1 1-10
28A.47.690	AMD	141	37	28B.10	ADD 43 1-3
28A.47.744	AMD	141	38	28B.10	ADD 130 1
28A.47.807	AMD	141	39	28B.10	ADD 130 5
28A.48.010	AMD	237 E1	1	28B.10	ADD 96 E1 5
28A.51.070	AMD	257 E1	1	28B.10	ADD 259 E1 3
28A.57	ADD	183 E1	10	28B.10.200	REP 99 59
28A.57.312	AMD	126 E1	4		(Eff. 6/30/82)
28A.57.312	AMD	183 E1	1	28B.10.350	AMD 12 E1 1
28A.57.328	AMD	126 E1	5	28B.10.400	AMD 259 E1 1
28A.57.329	REP	126 E1	43	28B.10.415	AMD 259 E1 2
28A.57.342	AMD	183 E1	2	28B.10.420	REEN 14 1
28A.57.344	AMD	183 E1	3	28B.10.420	AMD 14 1
28A.57.355	AMD	126 E1	6	28B.10.525	REEN 14 2
28A.57.356	AMD	126 E1	7	28B.10.565	AMD 136 E1 22
28A.57.357	AMD	126 E1	8	28B.10.650	REEN 14 3
28A.57.357	AMD	183 E1	4		AMD 14 3
28A.57.358	AMD	126 E1	9	28B.10.650	AMD 44 1
28A.57.358	AMD	183 E1	5	28B.10.660	REEN 88 E1 1
28A.57.425	AMD	183 E1	6	28B.10.704	AMD 1 E1 1
28A.57.435	AMD	183 E1	7	28B.10.802	AMD 235 E1 1
28A.58	ADD	58	2	28B.15	ADD 80 1-3
28A.58	ADD	95	1-6	28B.15	ADD 82 2
28A.58	ADD	217 E1	1-5	28B.15	ADD 19 E1 1
28A.58	ADD	250 E1	8	28B.15	ADD 262 E1 1,2,4
28A.58.045	AMD	16 E1	1	28B.15.013	AMD 15 E1 1
28A.58.101	AMD	173 E1	2	28B.15.031	AMD 151 14
28A.58.103	AMD	134 E1	2	28B.15.380	AMD 82 1
28A.58.107	AMD	66 E1	2	28B.15.520	AMD 148 E1 1
28A.58.136	AMD	58	1	28B.15.620	AMD 83 E1 1
28A.58.136	AMD	140 E1	3	28B.16	ADD 46 E1 1
28A.58.190	AMD	250 E1	4	28B.16.100	AMD 151 15
28A.58.225	AMD	140 E1	1	28B.16.110	AMD 151 16
28A.58.247	AMD	120 E1	2	28B.16.112	AMD 151 17
28A.58.754	AMD	250 E1	1	28B.16.200	AMD 151 18
28A.58.758	AMD	250 E1	7	28B.17.010	REP 60 E1 1
28A.58.760	AMD	250 E1	5	28B.17.020	REP 60 E1 1
28A.61.010	REP	99	72	28B.17.030	REP 60 E1 1
		(Eff. 6/30/84)		28B.17.040	AMD 151 19
28A.61.020	REP	99	72	28B.17.040	REP 60 E1 1
		(Eff. 6/30/84)		28B.17.050	REP 60 E1 1
28A.61.030	AMD	151	13	28B.17.060	REP 60 E1 1
28A.61.030	REP	99	72	28B.17.070	REP 60 E1 1
		(Eff. 6/30/84)		28B.17.080	REP 60 E1 1
28A.61.040	REP	99	72	28B.17.090	REP 60 E1 1
		(Eff. 6/30/84)		28B.17.100	REP 60 E1 1

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RCW SECTIONS AFFECTED BY 1979 STATUTES

RCW	CH.	SEC.	RCW	CH.	SEC.
28B.17.110	REP	60 E1	1	29.33.090	REP 99 85
28B.17.120	REP	60 E1	1		(Eff. 6/30/82)
28B.17.130	REP	60 E1	1	29.33.100	REP 99 85
28B.17.140	REP	60 E1	1		(Eff. 6/30/82)
28B.17.150	REP	60 E1	1	29.34.080	REP 99 85
28B.17.160	REP	60 E1	1		(Eff. 6/30/82)
28B.17.170	REP	60 E1	1	29.34.090	REP 99 85
28B.17.180	REP	60 E1	1		(Eff. 6/30/82)
28B.17.190	REP	60 E1	1	29.80.030	AMD 57 E1 4
28B.17.200	REP	60 E1	1	29.81.090	AMD 57 E1 5
28B.17.210	REP	60 E1	1	30.04.126	AMD 124 1
28B.20.100	AMD	103 E1	2	30.04.210	AMD 142 1
28B.30.100	AMD	103 E1	3	30.04.240	AMD 45 1
28B.30.105	REP	57 E1	11	30.08.087	AMD 106 1
28B.30.120	AMD	103 E1	6	30.08.088	AMD 106 2
28B.30.370	REP	52	1	30.12	ADD 106 8
28B.30.375	REP	52	1	30.12.080	AMD 106 3
28B.30.380	REP	52	1	30.12.210	AMD 106 4
28B.35.100	AMD	103 E1	4	30.20.090	AMD 143 1
28B.35.205	REEN	14	4	30.28.010	AMD 105 1
28B.40	ADD	78 E1	1-3	30.36.020	AMD 106 5
28B.40.100	AMD	103 E1	5	30.40	ADD 106 7
28B.40.205	REP	14	5	30.42.070	AMD 106 6
28B.50.090	AMD	151	20	30.43.010	AMD 137 1
28B.50.100	AMD	103 E1	1	30.43.030	AMD 137 2
28B.50.140	REEN	14	6	30.43.040	AMD 137 3
28B.50.140	AMD	226 E1	11	30.43.050	AMD 137 4
28B.50.143	AMD	151	21	31.08.030	AMD 18 5
28B.50.330	AMD	12 E1	2	31.08.070	AMD 18 6
28B.80.080	AMD	151	22	31.08.160	AMD 18 3
28C	ADD	225 E1	1-6	31.08.175	AMD 18 4
28C.04.510	AMD	151	23	31.08.270	AMD 18 1
29	ADD	64 E1	1-5	31.08.920	AMD 18 2
29.01	ADD	126 E1	2	31.12	ADD 98 E1 1
29.04	ADD	126 E1	1	32.04	ADD 46 1-6
29.10	ADD	96	1	32.08.050	AMD 57 E1 6
29.13.021	AMD	126 E1	10	32.08.150	AMD 51 1
29.13.023	AMD	126 E1	11	32.16	ADD 46 8-10
29.13.024	AMD	126 E1	12	32.16.090	AMD 46 7
29.13.025	AMD	126 E1	13	33.04.020	AMD 113 1
29.13.050	AMD	126 E1	14	33.08.090	AMD 113 2
29.13.060	AMD	126 E1	15	33.12.060	AMD 113 3
29.13.060	AMD	183 E1	11	33.16.130	AMD 113 4
29.21.180	AMD	183 E1	8	33.20.035	AMD 107 3
29.21.210	AMD	183 E1	9	33.20.150	AMD 113 5
29.33.030	REP	99	85	33.24	ADD 113 15,16
		(Eff. 6/30/82)		33.24.010	AMD 113 6
29.33.040	REP	99	85	33.24.100	AMD 113 7
		(Eff. 6/30/82)		33.24.120	AMD 113 8
29.33.050	REP	99	85	33.24.170	AMD 113 9
		(Eff. 6/30/82)		33.24.230	AMD 113 10
29.33.060	REP	99	85	33.24.240	AMD 113 11
		(Eff. 6/30/82)		33.24.295	AMD 113 12
29.33.070	REP	99	85	33.24.360	AMD 113 13
		(Eff. 6/30/82)		33.44.020	AMD 57 E1 7
29.33.080	REP	99	85	33.48.040	AMD 113 14
		(Eff. 6/30/82)		34.04.150	AMD 158 90
				35.03.040	AMD 126 E1 16

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RCW	CH.	SEC.	RCW	CH.	SEC.
35.04.070	AMD	151	24	35A.02.030	AMD 18 E1 5
35.13.260	AMD	151	25	35A.02.040	AMD 18 E1 6
35.17.020	AMD	126 E1	17	35A.02.050	AMD 18 E1 7
35.17.400	AMD	126 E1	18	35A.02.110	AMD 18 E1 9
35.18.020	AMD	151	26	35A.03.010	AMD 18 E1 10
35.18.020	AMD	126 E1	19	35A.04.020	AMD 18 E1 11
35.18.270	AMD	126 E1	20	35A.04.070	AMD 18 E1 12
35.20.030	AMD	136 E1	23	35A.04.080	AMD 151 29
35.20.090	AMD	135 E1	8	35A.04.080	AMD 18 E1 13
	REEN	135 E1	8	35A.04.160	AMD 151 30
35.20.090	AMD	136 E1	24	35A.05.120	AMD 151 31
	REEN	136 E1	24	35A.06.030	AMD 18 E1 14
35.20.250	AMD	136 E1	25	35A.06.050	AMD 18 E1 15
35.21	ADD	26	1,2	35A.06.060	AMD 18 E1 16
35.21	ADD	111	11	35A.06.080	REP 18 E1 35
35.21	ADD	102 E1	1	35A.08.020	AMD 151 32
35.21.330	RECOD	232 E1	21	35A.11.040	AMD 18 E1 17
35.21.600	AMD	151	27	35A.11.080	AMD 18 E1 18
35.21.755	AMD	196 E1	9	35A.12.010	AMD 151 33
35.22	ADD	124 E1	10	35A.12.010	AMD 18 E1 19
35.22.510	AMD	136 E1	26	35A.12.030	AMD 18 E1 20
35.22.530	AMD	136 E1	27	35A.12.040	AMD 18 E1 21
35.22.620	AMD	89 E1	1	35A.12.100	AMD 18 E1 22
35.23.040	AMD	126 E1	21	35A.12.110	AMD 18 E1 23
35.23.352	AMD	89 E1	2	35A.13.010	AMD 151 34
35.23.440	AMD	136 E1	28	35A.13.010	AMD 18 E1 24
35.24.050	AMD	126 E1	22	35A.13.040	AMD 18 E1 25
35.24.460	AMD	136 E1	29	35A.13.170	AMD 18 E1 26
35.24.470	AMD	136 E1	30	35A.14.015	AMD 124 E1 1
35.27.090	AMD	126 E1	23	35A.14.020	AMD 124 E1 2
35.27.350	AMD	136 E1	31	35A.14.030	AMD 124 E1 3
35.27.540	AMD	136 E1	32	35A.14.070	AMD 124 E1 4
35.44.070	AMD	100 E1	1	35A.14.080	AMD 124 E1 5
35.44.080	AMD	100 E1	2	35A.14.090	AMD 124 E1 6
35.54	ADD	55	1	35A.14.100	AMD 124 E1 7
35.58.020	AMD	151	28	35A.14.120	AMD 124 E1 8
35.58.2712	AMD	59	1	35A.14.150	AMD 124 E1 9
35.58.2721	AMD	175 E1	1	35A.14.220	AMD 18 E1 27
35.58.273	AMD	175 E1	2	35A.14.700	AMD 151 35
35.58.277	AMD	158	91	35A.14.700	AMD 18 E1 28
35.58.279	AMD	175 E1	3	35A.20.040	AMD 136 E1 33
35.61.050	AMD	126 E1	24	35A.20.080	AMD 136 E1 34
35.63	ADD	170 E1	2	35A.29.090	AMD 18 E1 29
35.63.060	AMD	170 E1	3	35A.29.090	AMD 126 E1 25
35.63.080	AMD	170 E1	4	35A.29.110	AMD 18 E1 30
35.63.090	AMD	170 E1	5	35A.29.120	AMD 18 E1 31
35.73.060	AMD	30 E1	1	35A.43	ADD 89 E1 3
35.82.020	AMD	187 E1	1	35A.44.010	AMD 151 36
35.82.030	AMD	187 E1	2	35A.44.010	AMD 18 E1 32
35.82.090	AMD	187 E1	3	35A.56.010	AMD 30 E1 2
35.88.080	AMD	141	40	35A.63	ADD 170 E1 6
35.88.090	AMD	141	41	35A.63.020	AMD 18 E1 33
35.92	ADD	239 E1	2	35A.63.062	AMD 170 E1 7
35A.01	ADD	18 E1	1	35a.63.100	AMD 170 E1 8
35A.02	ADD	18 E1	8	35A.63.110	AMD 18 E1 34
35A.02.010	AMD	18 E1	2	35A.70.070	AMD 141 42
35A.02.020	AMD	18 E1	3	35A.79.010	AMD 30 E1 3
35A.02.025	AMD	18 E1	4	36	ADD 5 E1 1-11

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RCW SECTIONS AFFECTED BY 1979 STATUTES

RCW		CH.	SEC.	RCW		CH.	SEC.
36.13.030	AMD	151	37	39.58.150	AMD	151	48
36.16	ADD	72 E1	1	40.04.100	AMD	151	49
36.16.020	AMD	126 E1	26	40.07.020	AMD	151	50
36.28	ADD	153 E1	6	40.14.040	AMD	151	51
36.28.180	AMD	132	1	40.14.060	AMD	151	52
36.29.020	AMD	57	1	41.04	ADD	150 E1	1
36.32	ADD	200 E1	2	41.04	ADD	159 E1	1
36.32.030	AMD	126 E1	27	41.04	ADD	205 E1	10
36.32.120	AMD	136 E1	35	41.04.036	AMD	151	53
36.38.020	AMD	151	38	41.04.230	AMD	151	54
36.39	ADD	109	1	41.05	ADD	125	3
36.39.040	AMD	141	43	41.05	ADD	9 E1	1
36.48.090	AMD	227 E1	1	41.05.010	AMD	125	2
36.57.010	AMD	151	39	41.05.020	REP	125	4
36.57A.010	AMD	151	40	41.05.025	AMD	125	1
36.57A.150	AMD	151	41	41.05.050	AMD	151	55
36.62.020	REP	99	75	41.06	ADD	46 E1	2
	(Eff. 6/30/84)			41.06.075	AMD	151	56
36.62.200	AMD	17 E1	1	41.06.150	AMD	151	57
36.62.240	AMD	141 E1	44	41.06.160	AMD	151	58
36.68.080	AMD	136 E1	36	41.06.163	AMD	151	59
36.69	ADD	11 E1	1-5	41.06.167	AMD	151	60
36.69.070	AMD	126 E1	28	41.06.270	AMD	151	61
36.69.080	AMD	126 E1	29	41.07.020	AMD	151	62
36.69.090	AMD	126 E1	30	41.14	ADD	153 E1	5
36.69.180	AMD	136 E1	37	41.14.050	AMD	153 E1	1
36.70	ADD	170 E1	9	41.14.060	AMD	153 E1	2
36.70.350	AMD	170 E1	10	41.14.070	AMD	153 E1	3
36.70.560	AMD	170 E1	11	41.14.130	AMD	153 E1	4
36.78.110	AMD	151	42	41.20.180	AMD	205 E1	2
36.82.080	AMD	30 E1	4	41.24.170	AMD	156 E1	1
36.93.020	AMD	30 E1	5	41.24.170	AMD	157 E1	1
36.93.090	AMD	5 E1	12	41.24.240	AMD	205 E1	3
36.93.150	AMD	5 E1	13	41.24.300	AMD	157 E1	2
36.93.170	AMD	142 E1	1	41.26	ADD	45 E1	2
36.93.180	AMD	142 E1	2	41.26.005	AMD	249 E1	1
36.94.010	AMD	30 E1	6	41.26.030	AMD	249 E1	2
37.04	ADD	49 E1	1	41.26.040	AMD	45 E1	1
37.14.010	AMD	244 E1	1	41.26.045	AMD	249 E1	3
38.40	ADD	90 E1	1,2	41.26.180	AMD	205 E1	4
38.40.090	REP	135 E1	9	41.26.180	AMD	249 E1	15
38.52	ADD	268 E1	4,5	41.26.420	AMD	249 E1	4
38.52.010	AMD	268 E1	1	41.28	ADD	205 E1	9
38.52.020	AMD	268 E1	2	41.32	ADD	45 E1	4
38.52.040	AMD	57 E1	8	41.32	ADD	96 E1	2
38.52.205	AMD	151	43	41.32.010	AMD	249 E1	5
38.52.330	AMD	268 E1	3	41.32.240	AMD	45 E1	3
39.06.010	REP	99	84	41.32.590	AMD	205 E1	5
	(Eff. 6/30/84)			41.32.590	AMD	249 E1	16
39.29	ADD	61 E1	1,2,4	41.32.780	AMD	45 E1	5
39.29.010	AMD	151	44	41.40	ADD	45 E1	6,7
39.29.010	AMD	61 E1	3	41.40	ADD	96 E1	1
39.33	ADD	134 E1	1	41.40.005	AMD	249 E1	6
39.34.020	AMD	36	1	41.40.010	AMD	249 E1	7
39.34.130	AMD	151	45	41.40.150	AMD	249 E1	10
39.34.140	AMD	151	46	41.40.270	AMD	249 E1	11
39.34.150	AMD	151	47	41.40.370	AMD	151	63
39.42.060	AMD	204 E1	1	41.40.380	AMD	205 E1	6

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RCW		CH.	SEC.	RCW		CH.	SEC.
41.44.240	AMD	205	E1 7	43.09.340	AMD	151	93
41.48	ADD	152	1-6	43.10.160	AMD	151	94
41.50	ADD	249	E1 8,9	43.10.180	AMD	151	95
41.56.440	AMD	184	E1 1	43.10.190	AMD	151	96
41.56.450	AMD	184	E1 2	43.17.010	REEN	10	1
41.56.460	AMD	184	E1 3	43.17.020	REEN	10	2
41.58.015	AMD	146	E1 2	43.19.190	AMD	88	1
41.58.801	AMD	151	66	43.19.1902	AMD	151	97
41.58.802	AMD	151	67	43.19.1904	AMD	88	2
41.59.040	REP	146	E1 3	43.19.19052	AMD	151	98
41.59.050	REP	146	E1 3	43.19.1906	AMD	14 E1	1
42.16.010	AMD	151	68	43.19.1917	AMD	88	3
42.16.011	AMD	151	69	43.19.1918	AMD	151	99
42.16.013	AMD	151	70	43.19.1918	REP	88	4
42.16.014	AMD	151	71	43.19.1921	AMD	151	100
42.16.017	AMD	151	72	43.19.19361	REP	99	57
42.17	ADD	126	E1 42		(Eff. 6/30/82)		
42.17.020	AMD	50	E1 1	43.19.19362	REP	99	57
42.17.130	AMD	265	E1 2		(Eff. 6/30/82)		
42.17.190	AMD	265	E1 1	43.19.19363	REP	99	57
42.17.240	AMD	151	73		(Eff. 6/30/82)		
	REEN	151	73	43.19.19364	REP	99	57
42.17.240	AMD	265	E1 3		(Eff. 6/30/82)		
42.21.060	REP	265	E1 4	43.19.19365	REP	99	57
42.21.070	REP	265	E1 4		(Eff. 6/30/82)		
42.23.030	AMD	4	E1 1	43.19.450	AMD	141	45
42.26.030	AMD	151	74	43.19.500	AMD	151	101
42.26.040	AMD	151	75	43.19.580	AMD	158	93
42.26.050	AMD	151	76	43.19.580	REP	99	83
42.26.070	AMD	151	77		(Eff. 6/30/84)		
42.26.080	AMD	151	78	43.19.600	AMD	151	102
42.26.090	AMD	151	79	43.19.620	AMD	151	103
42.30.110	AMD	42	1	43.19.630	AMD	151	104
43	ADD	221	E1 1-11	43.19.640	AMD	151	105
43	ADD	258	E1 1-10	43.19.660	AMD	151	106
43.01.050	AMD	151	80	43.20.005	DECOD	141	385
43.01.090	AMD	151	81	43.20.010	AMD	141	46
43.01.140	AMD	151	82	43.20.010	RECOD	141	384
43.03.010	AMD	255	E1 1	43.20.015	AMD	141	47
43.03.050	AMD	151	83	43.20.015	RECOD	141	384
43.03.060	AMD	151	84	43.20.030	REP	99	75
43.03.065	AMD	151	85		(Eff. 6/30/84)		
43.03.120	AMD	151	86	43.20.040	AMD	141	48
43.03.150	AMD	151	87	43.20.040	RECOD	141	384
43.03.170	AMD	71	E1 1	43.20.050	AMD	141	49
43.03.210	AMD	151	88	43.20.050	REP	99	75
43.06	ADD	79	1-5		(Eff. 6/30/84)		
43.06.010	AMD	53	E1 4	43.20.060	AMD	141	50
43.07.150	AMD	158	92	43.20.060	RECOD	141	384
43.08	ADD	93	1	43.20.070	AMD	141	51
43.08.060	AMD	151	89	43.20.070	RECOD	141	384
43.08.110	AMD	151	90	43.20.080	RECOD	141	384
43.09	ADD	218	E1 7	43.20.090	RECOD	141	384
43.09.050	AMD	151	91	43.20.090	AMD	52 E1	1
43.09.050	REEN	151	91	43.20.100	REP	99	75
43.09.260	AMD	71	1		(Eff. 6/30/84)		
43.09.280	AMD	71	2	43.20.120	REP	141	386
43.09.310	AMD	151	92	43.20.130	AMD	141	52

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RCW	CH.	SEC.	RCW	CH.	SEC.
43.20.130	RECOD	141	384	43.21F.030	REP 99 58
43.20.140	AMD	141	58		(Eff. 6/30/82)
43.20.140	REP	99	75	43.21F.040	REP 99 58
					(Eff. 6/30/82)
43.20.150	AMD	141	53	43.21F.040	AMD 99 87
43.20.150	RECOD	141	384	43.21F.050	REP 99 58
43.20.160	AMD	141	54		(Eff. 6/30/82)
43.20.160	RECOD	141	384	43.21F.060	REP 99 58
43.20.170	AMD	141	55		(Eff. 6/30/82)
43.20.170	RECOD	141	384	43.21F.070	REP 99 58
43.20.180	AMD	141	56		(Eff. 6/30/82)
43.20.180	RECOD	141	384	43.21G.040	AMD 158 E1 1
43.20.190	AMD	141	57	43.22.480	AMD 76 E1 2
43.20.190	RECOD	141	384	43.22.500	AMD 67 E1 2
43.20.200	REP	99	75	43.24.010	AMD 158 94
				43.24.020	AMD 158 94
				43.24.022	DECOD 158 244
43.20.210	AMD	141	59	43.24.024	AMD 158 96
43.20.210	RECOD	141	384	43.24.040	AMD 158 97
43.20A	ADD	141	384	43.24.060	AMD 158 98
43.20A.010	AMD	141	60	43.24.080	AMD 158 99
43.20A.020	AMD	141	61	43.24.085	AMD 158 100
43.20A.030	AMD	141	62	43.24.110	AMD 158 101
43.20A.050	AMD	141	63	43.24.120	AMD 158 102
43.20A.060	AMD	141	64	43.24.130	AMD 158 103
43.20A.120	DECOD	141	385	43.24.140	AMD 158 104
43.20A.180	DECOD	141	385	43.30.010	AMD 107 4
43.20A.190	DECOD	141	385	43.30.040	AMD 57 E1 9
43.20A.200	DECOD	141	385	43.30.100	REP 32 E1 1
43.20A.210	DECOD	141	385	43.30.120	AMD 107 5
43.20A.220	DECOD	141	385	43.30.190	AMD 71 E1 2
43.20A.310	AMD	141	65	43.30.240	AMD 151 108
43.20A.370	REP	99	79	43.30.310	AMD 136 E1 38
					(Eff. 6/30/84)
43.20A.375	REP	99	79	43.31	ADD 197 E1 2-9
					(Eff. 6/30/84)
43.20A.380	REP	99	79	43.31	ADD 260 E1 1-5
					(Eff. 6/30/84)
43.20A.500	DECOD	141	385	43.31.600	REP 67 E1 18
43.20A.505	DECOD	141	385	43.31.610	REP 67 E1 18
43.20A.510	DECOD	141	385	43.31A.010	REP 99 71
43.20A.515	DECOD	141	385		(Eff. 6/30/84)
43.20A.520	DECOD	141	385	43.31A.020	REP 99 71
43.20A.525	DECOD	141	385		(Eff. 6/30/84)
43.20A.550	AMD	141	66	43.31A.030	REP 99 71
43.20A.900	DECOD	141	385		(Eff. 6/30/84)
43.20A.910	DECOD	141	385	43.31A.040	REP 99 71
43.20A.920	DECOD	141	385		(Eff. 6/30/84)
43.21A.140	AMD	141	67	43.31A.050	REP 99 71
43.21A.170	AMD	141	68		(Eff. 6/30/84)
43.21B	ADD	47 E1	2	43.31A.060	REP 99 71
43.21B.010	AMD	47 E1	3		(Eff. 6/30/84)
43.21B.070	REP	47 E1	7	43.31A.070	REP 99 71
43.21C	ADD	84 E1	2		(Eff. 6/30/84)
43.21C.140	AMD	151	107	43.31A.080	REP 99 71
43.21F.010	REP	99	58		(Eff. 6/30/84)
				43.31A.090	REP 99 71
					(Eff. 6/30/84)
43.21F.020	REP	99	58	43.31A.100	REP 99 71
					(Eff. 6/30/84)

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RCW	CH.	SEC.	RCW	CH.	SEC.
43.31A.110	REP 99 (Eff. 6/30/84)	71	43.41.060	AMD 151	112
43.31A.120	REP 99 (Eff. 6/30/84)	71	43.41.080	AMD 151	113
43.31A.130	REP 99 (Eff. 6/30/84)	71	43.41.100	AMD 151	114
43.31A.140	REP 99 (Eff. 6/30/84)	71	43.41.102	AMD 151	115
43.31A.150	REP 99 (Eff. 6/30/84)	71	43.41.104	AMD 151	116
43.31A.160	REP 99 (Eff. 6/30/84)	71	43.41.106	AMD 151	117
43.31A.170	REP 99 (Eff. 6/30/84)	71	43.41.108	AMD 151	187
43.31A.180	REP 99 (Eff. 6/30/84)	71	43.41.110	REEN 10	3
43.31A.190	REP 99 (Eff. 6/30/84)	71	43.41.130	AMD 111	12
43.31A.200	REP 99 (Eff. 6/30/84)	71	43.41.140	AMD 151	119
43.31A.210	REP 99 (Eff. 6/30/84)	71	43.41.900	AMD 151	120
43.31A.220	REP 99 (Eff. 6/30/84)	71	43.41.910	AMD 151	121
43.31A.230	REP 99 (Eff. 6/30/84)	71	43.41.920	AMD 151	122
43.31A.240	REP 99 (Eff. 6/30/84)	71	43.41.930	AMD 151	123
43.31A.250	REP 99 (Eff. 6/30/84)	71	43.43	ADD 96 E1	3
43.31A.260	REP 99 (Eff. 6/30/84)	71	43.43.310	AMD 205 E1	8
43.31A.270	REP 99 (Eff. 6/30/84)	71	43.43.710	REEN 36 E1	7
43.31A.280	REP 99 (Eff. 6/30/84)	71	43.51	ADD 153	1
43.31A.290	REP 99 (Eff. 6/30/84)	71	43.51.040	REEN 10	4
43.31A.300	REP 99 (Eff. 6/30/84)	71	43.51.055	AMD 131 E1	1
43.31A.310	REP 99 (Eff. 6/30/84)	71	43.51A.010	REP 99	70
43.31A.320	REP 99 (Eff. 6/30/84)	71	43.51A.020	(Eff. 6/30/84)	70
43.31A.330	REP 99 (Eff. 6/30/84)	71	43.51A.030	REP 99	70
43.31A.900	REP 99 (Eff. 6/30/84)	71	43.51A.040	(Eff. 6/30/84)	70
43.31A.910	REP 99 (Eff. 6/30/84)	71	43.51A.040	AMD 151	124
43.31A.920	REP 99 (Eff. 6/30/84)	71	43.51A.040	REP 99	70
43.33.050	AMD 119	1	43.51A.050	(Eff. 6/30/84)	70
43.33.110	AMD 119	2	43.51A.060	REP 99	70
43.34.010	AMD 57 E1	10	43.51A.070	(Eff. 6/30/84)	70
43.41.030	AMD 151	109	43.51A.080	REP 99	70
43.41.040	AMD 151	110	43.51A.090	(Eff. 6/30/84)	70
43.41.050	AMD 151	111	43.51A.100	REP 99	70
			43.51A.140	(Eff. 6/30/84)	70
			43.52	ADD 220 E1	1
			43.59.010	REP 99	77
			43.59.020	(Eff. 6/30/84)	77
			43.59.030	REP 99	77
			43.59.030	(Eff. 6/30/84)	105
			43.59.040	REP 99	77
			43.59.050	(Eff. 6/30/84)	77
			43.59.060	REP 99	77
				(Eff. 6/30/84)	

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RCW	CH.	SEC.	RCW	CH.	SEC.
43.59.070	REP 99 (Eff. 6/30/84)	77	43.63A.140	REP 99 (Eff. 6/30/84)	63
43.59.080	REP 99 (Eff. 6/30/84)	77	43.63A.900	REP 99 (Eff. 6/30/84)	63
43.59.090	REP 99 (Eff. 6/30/84)	77	43.74.005	AMD 158	106
43.59.100	REP 99 (Eff. 6/30/84)	77	43.74.005	REP 99 (Eff. 6/30/82)	46
43.59.110	REP 99 (Eff. 6/30/84)	77	43.74.005	REP 114 E1	1
43.59.120	REP 99 (Eff. 6/30/84)	77	43.74.010	REP 99 (Eff. 6/30/82)	46
43.59.130	REP 99 (Eff. 6/30/84)	77	43.74.010	REP 114 E1	1
43.60A.080	REP 99 (Eff. 6/30/84)	82	43.74.015	REP 99 (Eff. 6/30/82)	46
43.60A.081	REP 99 (Eff. 6/30/84)	82	43.74.015	REP 114 E1	1
43.60A.901	AMD 151	125	43.74.020	REP 99 (Eff. 6/30/82)	46
43.60A.903	AMD 151	126	43.74.020	REP 114 E1	1
43.61.050	REP 59 E1	3	43.74.025	REP 99 (Eff. 6/30/82)	46
43.61.060	AMD 59 E1	1	43.74.025	REP 114 E1	1
43.62.010	AMD 151	127	43.74.030	REP 99 (Eff. 6/30/82)	46
43.62.020	AMD 151	128	43.74.035	REP 99 (Eff. 6/30/82)	46
43.62.030	AMD 151	129	43.74.035	REP 114 E1	1
43.62.040	AMD 151	130	43.74.037	REP 99 (Eff. 6/30/82)	46
43.62.050	AMD 151	131	43.74.037	REP 114 E1	1
43.63A.010	REP 99 (Eff. 6/30/84)	63	43.74.040	REP 99 (Eff. 6/30/82)	46
43.63A.020	REP 99 (Eff. 6/30/84)	63	43.74.040	REP 114 E1	1
43.63A.030	REP 99 (Eff. 6/30/84)	63	43.74.050	REP 99 (Eff. 6/30/82)	46
43.63A.040	REP 99 (Eff. 6/30/84)	63	43.74.050	REP 114 E1	1
43.63A.050	REP 99 (Eff. 6/30/84)	63	43.74.060	AMD 158	107
43.63A.060	REP 99 (Eff. 6/30/84)	63	43.74.060	REP 99 (Eff. 6/30/82)	46
43.63A.070	AMD 151	132	43.74.060	REP 114 E1	1
43.63A.070	REP 99 (Eff. 6/30/84)	63	43.74.065	REP 99 (Eff. 6/30/82)	46
43.63A.080	REP 99 (Eff. 6/30/84)	63	43.74.065	REP 114 E1	1
43.63A.085	AMD 151	133	43.74.075	REP 99 (Eff. 6/30/82)	46
43.63A.085	REP 99 (Eff. 6/30/84)	63	43.24.075	REP 114 E1	1
43.63A.090	REP 99 (Eff. 6/30/84)	63	43.74.080	REP 99 (Eff. 6/30/82)	46
43.63A.100	REP 99 (Eff. 6/30/84)	63	43.74.080	REP 114 E1	1
43.63A.110	REP 99 (Eff. 6/30/84)	63	43.74.085	REP 99 (Eff. 6/30/82)	46
43.63A.120	REP 99 (Eff. 6/30/82)	49	43.74.085	REP 114 E1	1
43.63A.130	REP 99 (Eff. 6/30/84)	63	43.74.090	REP 99 (Eff. 6/30/82)	46
			43.74.090	REP 114 E1	1
			43.74.900	REP 99	46
			43.74.900	REP 114 E1	1
			43.78.070	AMD 151	134
			43.79.330	AMD 67 E1	3

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RCW	CH.	SEC.	RCW	CH.	SEC.
43.82.090	AMD	67 E1	4	43.101.070	REP 99 48 (Eff. 6/30/82)
43.83.072	REP	67 E1	18	43.101.080	REP 99 48 (Eff. 6/30/82)
43.83.080	REP	67 E1	18	43.101.090	REP 99 48 (Eff. 6/30/82)
43.83.092	REP	67 E1	18	43.101.100	REP 99 48 (Eff. 6/30/82)
43.83.100	REP	67 E1	18	43.101.110	REP 99 48 (Eff. 6/30/82)
43.83A.040	AMD	68	2	43.101.120	REP 99 48 (Eff. 6/30/82)
43.83A.050	AMD	68	1	43.101.130	REP 99 48 (Eff. 6/30/82)
43.83B.300	AMD	263 E1	1	43.101.140	REP 99 48 (Eff. 6/30/82)
43.84.080	AMD	154 E1	1	43.101.150	REP 99 48 (Eff. 6/30/82)
43.84.150	AMD	119	3	43.101.160	REP 99 48 (Eff. 6/30/82)
43.88.020	AMD	151	135	43.101.170	REP 99 48 (Eff. 6/30/82)
43.88.025	AMD	151	136	43.101.180	REP 99 48 (Eff. 6/30/82)
43.88.090	AMD	151	137	43.101.190	REP 99 48 (Eff. 6/30/82)
43.88.110	AMD	151	138	43.101.200	REP 99 48 (Eff. 6/30/82)
43.88.160	AMD	151	139	43.101.210	REP 99 48 (Eff. 6/30/82)
43.88.195	AMD	151	140	43.101.210	AMD 164 E1 1 REP 99 48 (Eff. 6/30/82)
43.88.205	AMD	151	141	43.101.900	REP 99 48 (Eff. 6/30/82)
43.88.500	AMD	151	142	43.101.910	DECOD 151 186 REP 99 48 (Eff. 6/30/82)
43.88.505	AMD	151	143	43.110.010	REP 99 74 (Eff. 6/30/84)
43.88.510	AMD	151	144	43.117.010	REP 99 76 (Eff. 6/30/84)
43.88.515	AMD	151	145	43.117.020	REP 99 76 (Eff. 6/30/84)
43.88A.020	AMD	151	146	43.117.030	REP 99 76 (Eff. 6/30/84)
43.88A.030	AMD	151	147	43.117.040	REP 99 76 (Eff. 6/30/84)
43.88A.030	AMD	112 E1	1	43.117.050	REP 99 76 (Eff. 6/30/84)
43.88A.040	AMD	151	148	43.117.060	REP 99 76 (Eff. 6/30/84)
43.99	ADD	24 E1	1,2,4	43.117.070	REP 99 76 (Eff. 6/30/84)
43.99.020	AMD	158	108	43.117.080	REP 99 76 (Eff. 6/30/84)
43.99.030	AMD	158	109	43.117.090	REP 99 76 (Eff. 6/30/84)
43.99.040	AMD	158	110	43.117.100	REP 99 76 (Eff. 6/30/84)
43.99.070	AMD	158	111		
43.99.110	REP	99	61		
		(Eff. 6/30/82)			
43.99.120	REP	99	61		
		(Eff. 6/30/82)			
43.99.122	REP	99	61		
		(Eff. 6/30/82)			
43.99.124	REP	99	61		
		(Eff. 6/30/82)			
43.99.126	REP	99	61		
		(Eff. 6/30/82)			
43.99.130	REP	99	61		
		(Eff. 6/30/82)			
43.99A.070	REP	99	61		
		(Eff. 6/30/82)			
43.101.010	REP	99	48		
		(Eff. 6/30/82)			
43.101.020	REP	99	48		
		(Eff. 6/30/82)			
43.101.030	REP	99	48		
		(Eff. 6/30/82)			
43.101.030	AMD	55 E1	1		
43.101.040	REP	99	48		
		(Eff. 6/30/82)			
43.101.050	REP	99	48		
		(Eff. 6/30/82)			
43.101.060	REP	99	48		
		(Eff. 6/30/82)			

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RCW	CH.	SEC.	RCW	CH.	SEC.
43.117.900	REP 99	76	46.01.250	AMD 158	125
	(Eff. 6/30/84)		46.04	ADD 149 E1	2
43.117.910	REP 99	76	46.04	ADD 213 E1	1
	(Eff. 6/30/84)		46.04.010	AMD 48 E1	1
43.126.010	REP 99	54	46.04.090	AMD 61	1
	(Eff. 6/30/82)		46.04.190	AMD 111	13
43.126.020	REP 99	54	46.04.330	AMD 213 E1	2
	(Eff. 6/30/82)		46.04.332	AMD 213 E1	3
43.126.030	REP 99	54	46.04.480	AMD 62	7
	(Eff. 6/30/82)		46.04.530	AMD 149 E1	1
43.126.040	REP 99	54	46.04.670	AMD 213 E1	4
	(Eff. 6/30/82)		46.04.680	REP 158	244
43.126.050	REP 99	54	46.04.690	AMD 158	126
	(Eff. 6/30/82)		46.04.695	AMD 158	127
43.126.060	REP 99	54	46.08.066	AMD 158	128
	(Eff. 6/30/82)		46.08.170	AMD 136 E1	40
43.126.070	REP 99	54	46.09.020	AMD 158	129
	(Eff. 6/30/82)		46.09.120	AMD 136 E1	41
43.126.080	REP 99	54	46.09.170	AMD 158	130
	(Eff. 6/30/82)		46.09.190	AMD 136 E1	42
43.131.050	AMD 22	1	46.09.230	DECOD 158	244
43.131.120	AMD 22	2	46.10	ADD 182 E1	2
43.131.140	AMD 49	1	46.10	ADD 182 E1	7
43.131.140	AMD 156	11	46.10.010	AMD 158	131
43.131.140	AMD 82 E1	1	46.10.010	AMD 182 E1	1
43.131.900	AMD 22	3	46.10.020	AMD 182 E1	3
43.132	ADD 112 E1	2	46.10.030	AMD 182 E1	4
43.132.020	AMD 151	149	46.10.040	AMD 182 E1	5
43.132.030	AMD 151	150	46.10.043	AMD 182 E1	6
43.132.040	AMD 151	151	46.10.080	AMD 182 E1	8
43.132.050	AMD 151	152	46.10.081	REP 182 E1	17
44.04.080	AMD 255 E1	2	46.10.090	AMD 136 E1	43
44.04.120	AMD 255 E1	3	46.10.090	AMD 182 E1	10
44.24.060	AMD 151	153	46.10.130	AMD 182 E1	11
44.30.050	AMD 151	154	46.10.150	AMD 182 E1	12
44.33.280	AMD 151	155	46.10.170	AMD 182 E1	13
44.39.050	AMD 151	156	46.10.190	AMD 136 E1	44
44.40.040	AMD 151	157	46.10.190	AMD 182 E1	14
44.40.070	AMD 158	112	46.10.210	AMD 182 E1	15
44.48.090	AMD 151	158	46.12.010	AMD 158	132
44.60.050	AMD 151	159	46.12.080	AMD 113 E1	1
46	ADD 111	1-3	46.12.090	REP 113 E1	6
46	ADD 136 E1	1-3, 6-14	46.12.105	AMD 158	133
			46.12.105	AMD 266 E1	5
46.01.011	AMD 158	113	46.12.170	AMD 113 E1	2
46.01.020	AMD 158	114	46.12.200	AMD 158	134
46.01.040	AMD 158	115	46.12.260	AMD 158	135
46.01.050	AMD 158	116	46.12.280	AMD 158	136
46.01.055	AMD 158	117	46.12.290	AMD 158	137
46.01.061	DECOD 158	244	46.12.350	AMD 158	138
46.01.070	AMD 158	118	46.16	ADD 77 E1	1
46.01.090	AMD 158	119	46.16	ADD 163 E1	11,15
46.01.110	AMD 158	120	46.16	ADD 213 E1	5
46.01.130	AMD 158	121	46.16.025	AMD 158	139
46.01.140	AMD 158	122	46.16.090	AMD 136 E1	45
46.01.190	AMD 158	123	46.16.135	AMD 134	1
46.01.230	AMD 158	124	46.16.135	AMD 136 E1	46
46.01.230	AMD 136 E1	39	46.16.137	REP 134	4

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46.16.138	REP	134	4	46.29.280	AMD	136	E1	64	
46.16.140	AMD	136	E1	47	46.29.300	AMD	136	E1	65
46.16.145	AMD	136	E1	48	46.29.380	REP	78		2
46.16.225	AMD	158		140	46.29.390	AMD	61		14
46.16.260	AMD	113	E1	3	46.29.600	AMD	136	E1	66
46.16.350	AMD	136	E1	49	46.32.010	AMD	158		156
46.16.380	AMD	7	E1	1	46.32.010	AMD	136	E1	67
46.16.380	AMD	26	E1	1	46.32.050	AMD	136	E1	68
46.16.380	AMD	27	E1	1	46.37.010	AMD	136	E1	69
46.16.380	AMD	136	E1	50	46.37.188	AMD	136	E1	70
46.16.460	AMD	158		141	46.37.340	REEN	11		1
46.16.490	AMD	158		142	46.37.423	AMD	136	E1	71
46.16.585	AMD	136	E1	51	46.37.424	AMD	136	E1	72
46.16.595	AMD	136	E1	52	46.37.425	AMD	136	E1	73
46.16.600	AMD	158		143	46.37.340	REEN	11		1
46.16.605	AMD	158		144	46.37.430	AMD	158		157
46.20	ADD	87	E1	1	46.37.529	AMD	158		158
46.20.021	AMD	136	E1	53	46.38.070	AMD	151		160
46.20.025	AMD	75		1	46.44.030	AMD	113	E1	4
46.20.041	AMD	61		2	46.44.037	AMD	149	E1	3
46.20.041	AMD	136	E1	54	46.44.047	AMD	136	E1	74
46.20.055	AMD	61		3	46.44.050	AMD	213	E1	7
46.20.055	AMD	63		1	46.44.0941	AMD	113	E1	5
46.20.070	AMD	61		4	46.44.095	AMD	158		159
46.20.091	AMD	63		2	46.44.105	AMD	136	E1	75
46.20.092	AMD	158		145	46.44.130	AMD	136	E1	76
46.20.100	AMD	158		146	46.44.140	AMD	136	E1	77
46.20.102	AMD	61		5	46.44.175	AMD	136	E1	78
46.20.113	AMD	158		147	46.52	ADD	178	E1	2-6
46.20.115	AMD	158		148	46.52.010	AMD	136	E1	79
46.20.118	AMD	158		149	46.52.020	AMD	136	E1	80
46.20.120	AMD	61		6	46.52.030	REEN	11		2
46.20.171	AMD	136	E1	55	46.52.030	AMD	158		160
46.20.190	AMD	136	E1	56	46.52.060	AMD	158		161
46.20.215	AMD	136	E1	57	46.52.080	AMD	158		162
46.20.270	AMD	61		7	46.52.085	AMD	34		1
46.20.270	AMD	136	E1	58	46.52.100	AMD	158		163
46.20.292	AMD	61		8	46.52.100	AMD	136	E1	81
46.20.293	AMD	61		9	46.52.100	AMD	176	E1	4
46.20.300	AMD	158		150	46.52.102	AMD	178	E1	7
46.20.308	AMD	158		151	46.52.104	AMD	158		164
46.20.308	AMD	136	E1	59	46.52.106	AMD	178	E1	9
46.20.308	AMD	176	E1	3	46.52.108	AMD	158		165
46.20.311	AMD	136	E1	60	46.52.108	AMD	178	E1	10
46.20.322	AMD	61		10	46.52.110	AMD	158		166
46.20.328	AMD	61		11	46.52.110	AMD	136	E1	82
46.20.329	AMD	136	E1	61	46.52.110	AMD	178	E1	11
46.20.342	AMD	74	E1	1	46.52.111	AMD	158		167
46.20.342	AMD	136	E1	62	46.52.111	AMD	178	E1	12
46.20.380	AMD	61		12	46.52.112	AMD	158		168
46.20.391	AMD	61		13	46.52.112	AMD	178	E1	13
46.20.430	AMD	158		152	46.52.113	AMD	158		169
46.20.500	AMD	213	E1	6	46.52.113	AMD	178	E1	14
46.20.505	AMD	158		153	46.52.114	AMD	178	E1	15
46.21.020	AMD	158		154	46.52.115	AMD	158		170
46.29.050	AMD	136	E1	63	46.52.115	AMD	178	E1	16
46.29.070	AMD	78		1	46.52.116	AMD	158		171
46.29.090	AMD	158		155	46.52.116	AMD	178	E1	17

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RCW SECTIONS AFFECTED BY 1979 STATUTES

RCW	CH.	SEC.	RCW	CH.	SEC.
46.52.117	AMD	158	172	46.79.010	AMD 158 190
46.52.1192	AMD	158	173	46.79.020	AMD 158 191
46.52.120	AMD	136 E1	83	46.80.020	AMD 158 192
46.52.130	AMD	136 E1	84	46.80.030	AMD 158 193
46.52.145	AMD	178 E1	18	46.80.090	AMD 158 194
46.52.150	AMD	158	174	46.81.010	AMD 158 195
46.52.150	AMD	178 E1	19	46.81.020	AMD 158 196
46.61	ADD	75 E1	1	46.81.030	AMD 136 E1 97
46.61	ADD	136 E1	4,5	46.82	ADD 51 E1 1-15
46.61	ADD	176 E1	1,2	46.82.010	AMD 158 197
46.61	ADD	178 E1	1	46.82.010	REP 51 E1 16
46.61	ADD	213 E1	8,9	46.82.020	REP 51 E1 16
46.61.010	REP	136 E1	109	46.82.030	REP 51 E1 16
46.61.500	AMD	136 E1	85	46.82.040	REP 51 E1 16
46.61.506	AMD	176 E1	5	46.82.050	REP 51 E1 16
46.61.515	AMD	176 E1	6	46.82.060	AMD 158 198
46.61.525	AMD	136 E1	86	46.82.060	REP 51 E1 16
46.61.530	AMD	136 E1	87	46.82.070	REP 51 E1 16
46.61.535	AMD	136 E1	88	46.82.080	REP 51 E1 16
46.61.560	AMD	178 E1	20	46.82.090	REP 51 E1 16
46.61.565	AMD	178 E1	21	46.82.110	REP 51 E1 16
46.61.567	AMD	178 E1	22	46.82.120	REP 51 E1 16
46.61.580	AMD	27 E1	2	46.82.130	REP 51 E1 16
46.61.665	AMD	136 E1	89	46.82.140	AMD 158 199
46.61.680	AMD	136 E1	90	46.82.140	REP 51 E1 16
46.61.690	AMD	136 E1	91	46.82.150	REP 51 E1 16
46.61.750	AMD	136 E1	92	46.82.160	REP 51 E1 16
46.64.015	AMD	28 E1	2	46.82.170	REP 51 E1 16
46.64.017	REP	28 E1	4	46.82.180	REP 51 E1 16
46.64.025	AMD	158	175	46.82.190	REP 51 E1 16
46.64.030	AMD	28 E1	3	46.82.200	REP 51 E1 16
46.64.050	AMD	136 E1	93	46.82.210	REP 51 E1 16
46.65	ADD	62	5	46.82.220	REP 51 E1 16
46.65.020	AMD	62	1	46.82.230	REP 51 E1 16
46.65.020	AMD	136 E1	94	46.82.240	REP 51 E1 16
46.65.030	AMD	62	2	46.82.250	REP 51 E1 16
46.65.030	AMD	136 E1	95	46.82.260	REP 51 E1 16
46.65.040	REP	62	9	46.82.270	REP 51 E1 16
46.65.050	REP	62	9	46.83.060	AMD 136 E1 98
46.65.060	AMD	62	3	46.85.140	AMD 134 2
46.65.070	AMD	62	4	46.85.145	AMD 134 3
46.65.080	AMD	158	181	46.85.190	AMD 149 E1 4
46.65.090	AMD	62	6	46.85.250	AMD 136 E1 99
46.65.100	AMD	158	182	46.86.020	AMD 158 200
46.65.110	REP	62	9	46.86.030	AMD 158 201
46.68.010	AMD	120	1	46.88.010	AMD 158 202
46.68.041	AMD	63	3	46.90.121	AMD 158 203
46.68.090	AMD	158	184	46.90.345	AMD 136 E1 100
46.68.110	AMD	151	161	46.90.560	AMD 136 E1 101
46.68.120	AMD	158	185	47.01	ADD 58 E1 1
46.70.011	REEN	11	3	47.01.250	AMD 158 204
46.70.011	AMD	158	186	47.04.040	AMD 30 E1 7
46.70.041	AMD	158	187	47.04.110	REP 7 1
46.70.061	AMD	251 E1	1	47.04.120	REP 7 1
46.72.010	AMD	111	14	47.04.130	REP 7 1
46.72.020	AMD	158	188	47.05.020	REP 122 E1 9
46.76.020	AMD	158	189	47.05.021	AMD 122 E1 1
46.76.080	AMD	136 E1	96	47.05.030	AMD 122 E1 2

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RCW	CH.	SEC.	RCW	CH.	SEC.
47.05.035	AMD	122 E1	3	47.56	ADD 212 E1 1-17
47.05.040	AMD	122 E1	4	47.56.020	REP 57 E1 11
47.05.051	AMD	122 E1	5	47.56.220	AMD 131 8
47.05.055	AMD	122 E1	6	47.56.220	AMD 212 E1 19
47.05.070	AMD	122 E1	7	47.56.252	REP 189 E1 7
47.08	ADD	39	2	47.56.254	AMD 189 E1 4
47.08.120	AMD	39	1	47.56.257	AMD 189 E1 5
47.10	ADD	179 E1	1-9	47.56.710	REP 131 9
47.12	ADD	189 E1	1,2	47.60	ADD 27 1,2,7,8
47.12.280	REP	189 E1	7	47.60.070	REP 67 E1 18
47.12.290	AMD	189 E1	3	47.60.130	AMD 189 E1 6
47.12.310	REP	189 E1	7	47.60.180	REP 67 E1 18
47.17	ADD	33 E1	15	47.60.190	REP 67 E1 18
47.17.070	AMD	33 E1	1	47.60.505	AMD 27 3
47.17.110	AMD	33 E1	2	47.60.530	AMD 27 4
47.17.115	AMD	195 E1	1	47.64.040	AMD 73 E1 1
47.17.135	AMD	33 E1	3	47.68.230	AMD 158 205
47.17.150	REP	33 E1	17	47.68.250	AMD 158 206
47.17.160	AMD	33 E1	4	48	ADD 130 6-12
47.17.240	AMD	33 E1	5	48	ADD 80 E1 1-9
47.17.250	AMD	33 E1	6	48	ADD 256 E1 1-12
47.17.281	AMD	33 E1	7	48.01.050	AMD 256 E1 13
47.17.330	AMD	33 E1	8	48.02.120	AMD 130 E1 1
47.17.372	AMD	33 E1	9	48.03.010	AMD 139 1
47.17.380	AMD	33 E1	10	48.03.060	AMD 35 E1 1
47.17.382	AMD	33 E1	11	48.05.230	REP 130 E1 5
47.17.450	AMD	33 E1	12	48.05.240	REP 130 E1 5
47.17.575	AMD	33 E1	13	48.12.150	AMD 157 1
47.17.680	AMD	33 E1	14	48.13.210	AMD 130 E1 4
47.17.825	AMD	33 E1	16	48.13.210	AMD 199 E1 3
47.24.010	AMD	86 E1	2	48.14.010	AMD 269 E1 1
47.26	ADD	5	8,9	48.14.020	AMD 233 E1 2
47.26.080	AMD	5	1	48.14.070	AMD 130 E1 2
47.26.180	AMD	122 E1	8	48.15.070	AMD 130 E1 3
47.26.190	AMD	151	162	48.15.150	AMD 199 E1 4
47.26.281	AMD	151	163	48.17.150	AMD 269 E1 7
47.26.420	AMD	5	3	48.17.160	AMD 269 E1 2
47.26.421	AMD	5	4	48.17.170	AMD 269 E1 3
47.26.422	AMD	5	5	48.17.180	AMD 269 E1 4
47.26.423	AMD	5	6	48.17.190	AMD 138 1
47.26.424	AMD	5	7	48.17.200	AMD 269 E1 5
47.26.4251	REP	5	13	48.17.250	AMD 269 E1 8
47.26.426	AMD	5	10	48.17.400	REP 269 E1 9
47.26.427	AMD	5	11	48.17.500	AMD 269 E1 6
47.28.050	AMD	69 E1	1	48.18.290	AMD 199 E1 5
47.30	ADD	121 E1	4	48.18.291	AMD 199 E1 6
47.30.030	AMD	121 E1	1	48.18.292	AMD 199 E1 7
47.30.050	AMD	121 E1	2	48.18.300	AMD 199 E1 8
47.38.030	AMD	136 E1	102	48.18A.050	AMD 157 2
47.42.040	AMD	69	.1	48.23.010	AMD 130 2
47.44.080	REP	67 E1	18	48.23.200	AMD 157 3
47.44.090	REP	67 E1	18	48.23.350	AMD 157 4
47.44.100	REP	67 E1	18	48.24	ADD 44 E1 1
47.44.110	REP	67 E1	18	48.24.160	AMD 199 E1 9
47.44.120	REP	67 E1	18	48.30	ADD 133 1,2
47.44.130	REP	67 E1	18	48.30	ADD 199 E1 10
47.44.140	REP	67 E1	18	48.40.035	AMD 158 207
47.56	ADD	131	1-6	48.44	ADD 133 3,4

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RCW SECTIONS AFFECTED BY 1979 STATUTES

RCW	CH.	SEC.	RCW	CH.	SEC.
48.44.220	AMD	127	1	50.48.080	REP 99 56
48.52.010	REP	34 E1	1		(Eff. 6/30/82)
48.52.015	REP	34 E1	1	50.48.090	REP 99 56
48.52.020	REP	34 E1	1		(Eff. 6/30/82)
48.52.030	REP	34 E1	1	50.48.100	REP 99 56
48.52.040	REP	34 E1	1		(Eff. 6/30/82)
48.52.050	REP	34 E1	1	50.48.900	AMD 99 88
48.52.060	REP	34 E1	1	50.48.900	REP 99 56
48.52.070	REP	34 E1	1		(Eff. 6/30/82)
48.52.080	REP	34 E1	1	51.08.013	AMD 111 15
48.52.090	REP	34 E1	1	51.12.020	AMD 128 1
49.04.010	AMD	37 E1	1	51.32	ADD 151 E1 2
49.04.030	AMD	37 E1	2	51.32.040	AMD 171 E1 11
49.04.050	AMD	37 E1	3	51.32.075	AMD 108 1
49.44	ADD	177 E1	2,3	51.32.080	AMD 104 1
49.60.030	AMD	127	2	51.32.220	AMD 151 E1 1
49.60.040	AMD	127	3	51.32.220	AMD 231 E1 1
49.60.175	AMD	127	4	51.36.050	AMD 42 E1 1
49.60.176	AMD	127	5	52.04	ADD 179 E1 1-4
49.60.178	AMD	127	6	52.04.020	AMD 179 E1 5
49.60.215	AMD	127	7	52.12.010	AMD 126 E1 31
49.60.222	AMD	127	8	52.12.020	AMD 126 E1 32
49.60.223	AMD	127	9	52.12.060	AMD 126 E1 33
49.60.224	AMD	127	10	52.22.030	AMD 179 E1 6
49.60.225	AMD	127	11	52.36.020	AMD 151 164
50.12	ADD	190 E1	1	53.04.120	AMD 72 1
50.13.060	AMD	177 E1	1	53.08.060	AMD 30 E1 8
50.20	ADD	135 E1	6	53.08.220	AMD 136 E1 103
50.24.050	AMD	190 E1	2	53.12.172	AMD 126 E1 34
50.24.070	AMD	190 E1	3	53.12.220	AMD 126 E1 35
50.24.080	AMD	190 E1	4	53.12.240	REP 126 E1 43
50.24.090	AMD	190 E1	5	53.20.030	AMD 30 E1 9
50.24.100	AMD	190 E1	6	53.32.050	AMD 72 3
50.24.110	AMD	190 E1	7	53.36.100	AMD 76 1
50.24.115	AMD	190 E1	8	53.48.010	AMD 30 E1 10
50.24.120	AMD	190 E1	9	53.48.130	REP 30 E1 20
50.24.125	AMD	190 E1	10	53.54.020	AMD 85 1
50.24.130	AMD	190 E1	11	54.08.010	AMD 240 E1 1
50.24.140	AMD	190 E1	12	54.08.060	AMD 126 E1 36
50.24.150	AMD	190 E1	13	54.08.070	AMD 240 E1 2
50.24.180	AMD	190 E1	14	54.12.010	AMD 126 E1 37
50.24.190	AMD	190 E1	15	54.16	ADD 239 E1 3
50.24.200	AMD	190 E1	16	54.16.110	AMD 240 E1 3
50.48.010	REP	99	56	54.28.055	AMD 151 165
		(Eff. 6/30/82)		56.02	ADD 35 3
50.48.020	REP	99	56	56.08.020	AMD 23 1
		(Eff. 6/30/82)		56.08.070	AMD 137 E1 1
50.48.030	REP	99	56	56.12.020	AMD 126 E1 38
		(Eff. 6/30/82)		57.08.050	AMD 137 E1 2
50.48.040	REP	99	56	57.08.065	AMD 141 69
		(Eff. 6/30/82)		57.12.030	AMD 126 E1 39
50.48.050	REP	99	56	57.16.010	AMD 23 2
		(Eff. 6/30/82)		57.90.010	AMD 30 E1 11
50.48.060	REP	99	56	58.19.020	AMD 158 208
		(Eff. 6/30/82)		58.19.030	AMD 158 209
50.48.070	REP	99	56	59	ADD 186 E1 15
		(Eff. 6/30/82)		59.18.200	AMD 70 E1 1
				59.20	ADD 186 E1 8-12

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RCW		CH.	SEC.	RCW	CH.	SEC.
59.20.030	AMD	186	E1 1	67.08.060	REP 99	53
59.20.040	AMD	186	E1 2		(Eff. 6/30/82)	
59.20.050	AMD	186	E1 3	67.08.080	REP 99	53
59.20.060	AMD	186	E1 4		(Eff. 6/30/82)	
59.20.070	AMD	186	E1 5	67.08.090	REP 99	53
59.20.080	AMD	186	E1 6		(Eff. 6/30/82)	
59.20.090	AMD	186	E1 7	67.08.100	REP 99	53
60.28.030	AMD	38	E1 1		(Eff. 6/30/82)	
62A.9-302	AMD	158	210	67.08.110	REP 99	53
62A.9-401	AMD	158	211		(Eff. 6/30/82)	
62A.9-403	AMD	158	212	67.08.120	REP 99	53
62A.9-404	AMD	158	213		(Eff. 6/30/82)	
62A.9-405	AMD	158	214	67.08.130	REP 99	53
62A.9-406	AMD	158	215		(Eff. 6/30/82)	
62A.9-409	AMD	158	216	67.08.140	REP 99	53
63	ADD	85	E1 1-8		(Eff. 6/30/82)	
63.20.010	REP	85	E1 10	67.08.150	REP 99	53
63.20.020	REP	85	E1 10		(Eff. 6/30/82)	
63.20.030	REP	85	E1 10	67.08.900	REP 99	53
63.20.040	REP	85	E1 10		(Eff. 6/30/82)	
63.20.050	REP	85	E1 10	67.16	ADD 31	5-7
63.28	ADD	117	E1 1	67.16.060	AMD 31	1
63.28.070	AMD	107	6	67.16.100	AMD 31	2
63.36.010	REP	85	E1 10	67.16.100	AMD 151	169
63.36.020	REP	85	E1 10	67.16.102	AMD 31	3
63.36.030	REP	85	E1 10	67.16.130	AMD 31	4
64.04	ADD	21	E1 1	67.28.120	AMD 222 E1	1
64.04	ADD	170	E1 12-14	67.28.130	AMD 222 E1	2
66.08.180	AMD	151	166	67.28.160	AMD 222 E1	3
66.08.200	AMD	151	167	67.28.170	AMD 222 E1	4
66.08.210	AMD	151	168	67.28.210	AMD 222 E1	5
66.16.040	AMD	158	217	67.32.010	REP 99	61
66.24.420	AMD	87	1		(Eff. 6/30/82)	
66.28.020	AMD	23	E1 1	67.32.020	REP 99	61
66.44.190	AMD	104	E1 1		(Eff. 6/30/82)	
67.08.001	REP	99	53	67.32.030	REP 99	61
					(Eff. 6/30/82)	
67.08.003	REP	99	53	67.32.040	REP 99	61
					(Eff. 6/30/82)	
67.08.005	REP	99	53	67.32.050	REP 99	61
					(Eff. 6/30/82)	
67.08.007	REP	99	53	67.32.060	REP 99	61
					(Eff. 6/30/82)	
67.08.009	REP	99	53	67.32.070	REP 99	61
					(Eff. 6/30/82)	
67.08.010	REP	99	53	67.32.080	REP 99	61
					(Eff. 6/30/82)	
67.08.015	REP	99	53	67.32.090	REP 99	61
					(Eff. 6/30/82)	
67.08.030	REP	99	53	67.32.100	REP 99	61
					(Eff. 6/30/82)	
67.08.040	REP	99	53	67.32.110	REP 99	61
					(Eff. 6/30/82)	
67.08.050	REP	99	53	67.32.120	REP 99	61
					(Eff. 6/30/82)	
67.08.055	REP	99	53	67.32.130	REP 99	61
					(Eff. 6/30/82)	

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RCW	CH.	SEC.	RCW	CH.	SEC.
67.32.140	REP 99 (Eff. 6/30/82)	61	68.05.230	REP 99 (Eff. 6/30/82)	62
68.04	ADD 21	4	68.05.240	REP 99 (Eff. 6/30/82)	62
68.04.040	AMD 21	1	68.05.250	REP 99 (Eff. 6/30/82)	62
68.04.060	AMD 21	2	68.05.255	AMD 21	11
68.04.160	AMD 21	3	68.05.255	REP 99 (Eff. 6/30/82)	62
68.05	ADD 21	12	68.05.260	REP 99 (Eff. 6/30/82)	62
68.05.010	REP 99 (Eff. 6/30/82)	62	68.05.270	REP 99 (Eff. 6/30/82)	62
68.05.020	REP 99 (Eff. 6/30/82)	62	68.05.280	AMD 21	13
68.05.030	REP 99 (Eff. 6/30/82)	62	68.05.280	REP 99 (Eff. 6/30/82)	62
68.05.040	REP 99 (Eff. 6/30/82)	62	68.08.180	AMD 21	14
68.05.050	AMD 21	5	68.08.230	AMD 158	218
68.05.050	REP 99 (Eff. 6/30/82)	62	68.08.520	AMD 37	1
68.05.060	REP 99 (Eff. 6/30/82)	62	68.16.140	AMD 126	E1 40
68.05.070	REP 99 (Eff. 6/30/82)	62	68.32.040	AMD 21	15
68.05.080	REP 99 (Eff. 6/30/82)	62	68.32.060	AMD 21	16
68.05.090	AMD 21	6	68.40	ADD 21	18
68.05.090	REP 99 (Eff. 6/30/82)	62	68.40.020	AMD 21	17
68.05.100	REP 99 (Eff. 6/30/82)	62	68.44.030	AMD 21	19
68.05.110	REP 99 (Eff. 6/30/82)	62	68.44.050	REP 21	44
68.05.120	REP 99 (Eff. 6/30/82)	62	68.44.140	AMD 21	20
68.05.130	AMD 21	7	68.44.150	AMD 21	21
68.05.130	REP 99 (Eff. 6/30/82)	62	68.46	ADD 21	23
68.05.140	REP 99 (Eff. 6/30/82)	62	68.46	ADD 21	27-40
68.05.150	AMD 21	8	68.46	ADD 21	43
68.05.150	REP 99 (Eff. 6/30/82)	62	68.46.010	AMD 21	22
68.05.160	AMD 21	9	68.46.030	AMD 21	24
68.05.160	REP 99 (Eff. 6/30/82)	62	68.46.060	AMD 21	25
68.05.170	REP 99 (Eff. 6/30/82)	62	68.46.070	AMD 21	26
68.05.180	AMD 21	10	68.46.120	AMD 21	41
68.05.180	REP 99 (Eff. 6/30/82)	62	68.48.070	AMD 21	42
68.05.190	REP 99 (Eff. 6/30/82)	62	69	ADD 136	1-8
68.05.200	REP 99 (Eff. 6/30/82)	62	69.04	ADD 115	1
68.05.210	REP 99 (Eff. 6/30/82)	62	69.06.010	REP 99 (Eff. 6/30/84)	75
68.05.220	REP 99 (Eff. 6/30/82)	62	69.06.020	REP 99 (Eff. 6/30/84)	75
			69.06.050	REP 99 (Eff. 6/30/84)	75
			69.07.060	AMD 154	19
			69.11.010	REP 154	26
			69.11.020	REP 154	26
			69.11.030	REP 154	26
			69.11.040	REP 154	26
			69.11.050	REP 154	26
			69.11.060	REP 154	26
			69.11.070	REP 154	26
			69.11.080	REP 154	26
			69.11.090	REP 154	26
			69.11.100	REP 154	26
			69.12.090	REP 154	26
			69.12.100	REP 154	26

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RCW	CH.	SEC.	RCW	CH.	SEC.
69.16.115	REP 99 (Eff. 6/30/84)	75	70.05.130	AMD 141	84
69.16.120	REP 99 (Eff. 6/30/84)	75	70.08.050	AMD 141	85
69.16.140	REP 154	26	70.12.015	AMD 141	86
69.16.150	REP 154	26	70.12.070	AMD 141	87
69.16.160	AMD 154	20	70.22.020	AMD 141	88
69.20.095	REP 99 (Eff. 6/30/84)	75	70.22.030	AMD 141	89
69.20.100	REP 99 (Eff. 6/30/84)	75	70.22.040	AMD 141	90
69.20.130	REP 154	26	70.22.050	AMD 141	91
69.20.140	REP 154	26	70.22.060	AMD 141	92
69.25.260	AMD 238 E1	10	70.24.020	AMD 141	93
69.30.010	AMD 141	70	70.24.040	REP 99	75
69.30.030	REP 99 (Eff. 6/30/84)	75		(Eff. 6/30/84)	
69.30.050	REP 99 (Eff. 6/30/84)	75	70.24.060	AMD 141	94
69.30.060	REP 99 (Eff. 6/30/84)	75	70.24.070	REP 99	75
69.30.080	AMD 141	71		(Eff. 6/30/84)	
69.30.090	AMD 141	72	70.24.100	AMD 141	95
69.30.100	AMD 141	73	70.28.035	REP 99	75
69.30.110	AMD 141	74		(Eff. 6/30/84)	
69.41	ADD 139 E1	3	70.38	ADD 161 E1	1-16
69.41.010	AMD 139 E1	1	70.38.010	REP 161 E1	20
69.41.030	AMD 139 E1	2	70.38.020	REP 161 E1	21
69.41.110	AMD 110	1		(Eff. 1/1/80)	
69.41.120	AMD 110	2	70.38.030	REP 161 E1	20
69.41.130	AMD 110	3	70.38.040	REP 161 E1	20
69.41.140	AMD 110	4	70.38.050	REP 161 E1	20
69.41.150	AMD 110	5	70.38.060	REP 161 E1	20
69.41.160	AMD 110	6	70.38.070	REP 161 E1	20
69.41.180	AMD 110	7	70.38.080	REP 161 E1	20
69.50.401	AMD 67	1	70.38.090	REP 161 E1	20
69.50.402	AMD 119 E1	1	70.38.100	REP 161 E1	20
70	ADD 112	1-11	70.38.110	REP 161 E1	20
70	ADD 110 E1	1-15	70.38.120	REP 161 E1	21
70	ADD 163 E1	1-10, 12-14	70.38.130	REP 161 E1	21
70	ADD 219 E1	1-7	70.38.140	REP 161 E1	21
70	ADD 228 E1	1-9	70.38.150	REP 161 E1	21
70	ADD 245 E1	2-12	70.38.160	REP 161 E1	21
70.01.010	REP 99 (Eff. 6/30/84)	75	70.38.170	REP 161 E1	21
70.05.051	AMD 141	75	70.38.180	REP 161 E1	21
70.05.053	AMD 141	76	70.38.190	REP 161 E1	21
70.05.054	AMD 141	77	70.38.200	REP 161 E1	20
70.05.055	AMD 141	78	70.38.210	REP 161 E1	21
70.05.060	AMD 141	79	70.38.900	REP 161 E1	20
70.05.070	AMD 141	80	70.40.020	AMD 141	96
70.05.080	AMD 141	81	70.40.030	AMD 141	97
70.05.090	AMD 141	82	70.40.040	AMD 141	98
70.05.100	AMD 141	83	70.40.060	AMD 141	99
70.05.110	REP 99 (Eff. 6/30/84)	75	70.40.080	AMD 141	100
			70.40.090	AMD 141	101
			70.40.110	AMD 141	102
			70.40.120	AMD 141	103
			70.40.130	AMD 141	104
			70.40.140	AMD 141	105
			70.41.010	AMD 141	106
			70.41.030	REP 99	75
				(Eff. 6/30/84)	
			70.44.005	AMD 143 E1	2
			70.44.005	AMD 155 E1	2
			70.44.040	AMD 126 E1	41

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RCW	CH.	SEC.	RCW	CH.	SEC.		
70.44.060	AMD	143 E1	4	70.90.020	AMD	141	116
70.44.060	AMD	155 E1	1	70.90.030	AMD	141	117
70.44.100	AMD	141	107	70.90.040	AMD	141	118
70.44.200	AMD	143 E1	1	70.93	ADD	94	9
70.48	ADD	232 E1	1-8	70.93.010	AMD	94	1
70.48	ADD	232 E1	10	70.93.020	AMD	94	2
70.48	ADD	232 E1	16-20	70.93.030	AMD	94	3
70.48.020	AMD	232 E1	11	70.93.050	AMD	94	4
70.48.030	REP	99	73	70.93.060	AMD	39 E1	1
	(Eff. 6/30/84)			70.93.090	AMD	94	5
70.48.030	AMD	232 E1	12	70.93.100	AMD	94	6
70.48.040	REP	99	73	70.93.100	AMD	158	218
	(Eff. 6/30/84)			70.93.190	REP	94	10
70.48.050	REP	99	73	70.93.200	AMD	94	7
	(Eff. 6/30/84)			70.93.210	AMD	94	8
70.48.050	AMD	232 E1	13	70.94.030	AMD	141	119
70.48.060	AMD	151	170	70.94.053	AMD	141	120
70.48.060	REP	99	73	70.94.200	AMD	141	121
	(Eff. 6/30/84)			70.94.260	AMD	30 E1	12
70.48.060	AMD	232 E1	9	70.94.350	AMD	141	122
70.48.070	AMD	147	2	70.94.370	AMD	141	123
70.48.070	REP	99	73	70.94.380	AMD	30 E1	13
70.48.070	AMD	232 E1	14	70.94.600	AMD	30 E1	14
70.48.080	REP	99	73	70.96.085	AMD	141	124
	(Eff. 6/30/84)			70.96A.050	AMD	176 E1	7
70.48.090	AMD	232 E1	15	70.96A.060	AMD	158	220
70.50.010	AMD	141	108	70.96A.220	AMD	151	172
70.54	ADD	63 E1	2	70.98.030	AMD	141	125
70.54.040	AMD	141	109	70.108.130	AMD	136 E1	104
70.54.110	REP	99	75	70.114.010	AMD	79 E1	1
	(Eff. 6/30/84)			70.114.020	AMD	79 E1	2
70.58.010	AMD	52 E1	2	71.02.390	AMD	67 E1	5
70.58.020	AMD	52 E1	3	71.02.412	AMD	141	126
70.58.170	AMD	162 E1	1	71.02.414	AMD	141	127
70.58.200	AMD	162 E1	2	71.02.416	AMD	141	128
70.58.210	AMD	101 E1	2	71.05	ADD	215 E1	10
70.58.310	AMD	141	110	71.05.020	AMD	215 E1	5
70.58.320	AMD	141	111	71.05.050	AMD	215 E1	6
70.58.340	AMD	141	112	71.05.120	AMD	215 E1	7
70.58.350	REP	99	75	71.05.130	AMD	215 E1	8
	(Eff. 6/30/84)			71.05.150	AMD	215 E1	9
70.70.010	REP	99	52	71.05.180	AMD	215 E1	11
	(Eff. 6/30/82)			71.05.190	AMD	215 E1	12
70.70.020	REP	99	52	71.05.240	AMD	215 E1	13
	(Eff. 6/30/82)			71.05.280	AMD	215 E1	14
70.70.030	REP	99	52	71.05.320	AMD	215 E1	15
	(Eff. 6/30/82)			71.05.340	AMD	215 E1	16
70.70.035	REP	99	52	71.05.390	AMD	215 E1	17
	(Eff. 6/30/82)			71.06.060	AMD	141	129
70.70.040	REP	99	52	71.06.091	AMD	141	130
	(Eff. 6/30/82)			71.06.140	AMD	141	131
70.79.350	AMD	151	171	71.06.260	AMD	141	132
70.83.030	AMD	141	113	71.12.460	AMD	141	133
70.83.040	AMD	141	114	71.12.480	AMD	141	134
70.83.050	REP	99	75	71.12.485	AMD	141	135
	(Eff. 6/30/84)			71.12.500	AMD	141	136
70.85	ADD	28	1-4	71.12.520	AMD	141	137
70.90.010	AMD	141	115	71.12.530	AMD	141	138

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RCW	CH.	SEC.	RCW	CH.	SEC.
71.12.540	AMD	141	139	72.05.130	AMD 217 E1 8
71.12.640	AMD	141	140	72.05.140	AMD 141 180
71.16.010	REP	141	386	72.05.140	AMD 217 E1 9
71.16.020	REP	141	386	72.05.150	AMD 141 181
71.16.030	REP	141	386	72.05.150	AMD 67 E1 6
71.16.040	REP	141	386	72.05.160	AMD 141 182
71.24.165	AMD	141	141	72.05.300	AMD 141 183
71.24.210	AMD	145 E1	1	72.05.310	AMD 141 184
72.01.005	DECOD	141	385	72.06	ADD 108 E1 1-4
72.01.010	AMD	141	142	72.06.015	DECOD 141 385
72.01.042	AMD	141	143	72.06.060	AMD 141 185
72.01.043	AMD	141	144	72.08.020	AMD 141 186
72.01.050	AMD	141	145	72.08.045	AMD 141 187
72.01.060	AMD	141	146	72.08.070	REP 67 E1 18
72.01.100	AMD	141	147	72.08.101	AMD 141 188
72.01.120	AMD	141	148	72.08.102	AMD 141 189
72.01.140	AMD	141	149	72.08.120	AMD 141 190
72.01.150	AMD	141	150	72.08.130	AMD 141 191
72.01.160	AMD	141	151	72.08.380	AMD 141 192
72.01.160	REP	67 E1	18	72.12.020	AMD 141 193
72.01.170	REP	141	386	72.12.050	AMD 141 194
72.01.180	AMD	141	152	72.12.070	AMD 141 195
72.01.190	AMD	141	153	72.12.090	AMD 141 196
72.01.200	AMD	217 E1	6	72.12.100	AMD 141 197
72.01.210	AMD	141	154	72.12.140	AMD 141 198
72.01.240	AMD	141	155	72.13.010	AMD 141 199
72.01.260	AMD	141	156	72.13.020	DECOD 141 385
72.01.270	AMD	141	157	72.13.030	DECOD 141 385
72.01.280	AMD	141	158	72.13.040	AMD 141 200
72.01.282	AMD	141	159	72.13.050	AMD 141 201
72.01.290	AMD	141	160	72.13.060	AMD 141 202
72.01.300	AMD	141	161	72.13.070	AMD 141 203
72.01.310	AMD	141	162	72.13.080	AMD 141 204
72.01.320	AMD	141	163	72.13.100	AMD 141 205
72.01.370	AMD	141	164	72.13.120	AMD 141 206
72.01.380	AMD	141	165	72.13.140	AMD 141 207
72.01.410	AMD	141	166	72.13.150	AMD 141 208
72.01.430	AMD	141	167	72.13.160	AMD 141 209
72.01.450	AMD	141	168	72.13.170	AMD 141 210
72.01.452	AMD	141	169	72.15.010	AMD 141 211
72.01.454	AMD	141	170	72.15.020	AMD 141 212
72.01.460	AMD	141	171	72.15.030	AMD 141 213
72.01.480	AMD	141	167	72.15.050	AMD 141 214
72.01.480	AMD	141	172	72.15.070	AMD 141 215
72.02.005	DECOD	141	385	72.16.070	REP 217 E1 15
72.04A.050	AMD	141	173	72.18.010	AMD 141 216
72.04A.060	DECOD	141	385	72.18.040	AMD 141 217
72.04A.065	DECOD	141	385	72.18.050	AMD 141 218
72.04A.070	AMD	141	174	72.18.060	AMD 141 219
72.04A.080	AMD	141	175	72.18.070	AMD 141 220
72.04A.090	AMD	141	176	72.18.080	AMD 141 221
72.04A.100	DECOD	141	385	72.19.010	AMD 141 222
72.04A.110	DECOD	141	385	72.19.020	AMD 141 223
72.05.010	AMD	141	177	72.19.030	AMD 141 224
72.05.010	AMD	217 E1	7	72.19.040	AMD 141 225
72.05.020	AMD	141	178	72.19.050	AMD 141 226
72.05.045	DECOD	141	385	72.19.060	AMD 141 227
72.05.130	AMD	141	179	72.20.020	AMD 141 228

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RCW	CH.	SEC.	RCW	CH.	SEC.
72.20.040	AMD	141	229	72.64.080	AMD 141 271
72.20.040	AMD	217 E1	10	72.64.100	AMD 141 272
72.20.060	AMD	141	230	72.64.110	AMD 141 273
72.20.080	AMD	141	231	72.64.110	AMD 147 1
72.20.080	REP	217 E1	15	72.65.010	AMD 141 274
72.20.090	AMD	141	232	72.65.020	AMD 141 275
72.23	ADD	215 E1	18	72.65.020	AMD 160 E1 1
72.23.050	AMD	135 E1	5	72.65.030	AMD 141 276
72.27.020	AMD	141	223	72.65.040	AMD 141 277
72.27.070	AMD	141	234	72.65.050	AMD 141 278
72.30.040	AMD	141	235	72.65.080	AMD 141 279
72.30.040	AMD	217 E1	11	72.65.100	AMD 141 280
72.30.050	AMD	141	236	72.65.110	AMD 141 281
72.33.040	AMD	217 E1	12	72.68.010	AMD 141 282
72.33.050	AMD	217 E1	13	72.68.020	AMD 141 283
72.33.650	AMD	141	237	72.68.040	AMD 141 284
72.33.660	AMD	141	238	72.68.060	AMD 141 285
72.33.670	AMD	141	239	72.68.070	AMD 141 286
72.33.680	AMD	141	240	72.68.075	AMD 141 287
72.33.685	AMD	141	241	72.68.090	AMD 141 288
72.33.690	AMD	141	242	72.68.100	AMD 141 289
72.33.700	AMD	141	243	72.70.020	AMD 141 290
72.33.830	AMD	141	244	72.70.040	AMD 141 291
72.33.840	AMD	141	245	72.70.050	AMD 141 292
72.33.850	AMD	141	246	72.70.060	AMD 141 293
72.36.050	AMD	65	1	72.99.010	REP 67 E1 18
72.40.020	AMD	141	247	72.99.020	REP 67 E1 18
72.40.031	AMD	141	248	72.99.030	REP 67 E1 18
72.40.050	AMD	141	249	72.99.040	REP 67 E1 18
72.40.070	AMD	141	250	72.99.050	REP 67 E1 18
72.56.010	AMD	141	251	72.99.060	REP 67 E1 18
72.56.010	DECOD	141	385	72.99.170	REP 67 E1 18
72.56.020	DECOD	141	385	72.99.180	REP 67 E1 18
72.56.030	DECOD	141	385	72.99.190	REP 67 E1 18
72.56.040	AMD	141	252	72.99.200	REP 67 E1 20
72.56.050	AMD	141	253		(Eff. 7/1/80)
72.60.010	AMD	141	254	72.99.210	REP 67 E1 18
72.60.020	AMD	141	255	72.99.220	REP 67 E1 18
72.60.030	AMD	141	256	73.04.110	AMD 158 221
72.60.040	AMD	141	257	73.04.130	AMD 64 1
72.60.090	AMD	141	258	73.32.020	REP 59 E1 3
72.60.102	AMD	160 E1	3	73.32.030	REP 59 E1 3
72.60.130	AMD	141	259	73.32.040	REP 59 E1 3
72.60.130	AMD	160 E1	2	73.32.043	REP 59 E1 3
72.60.160	AMD	141	260	73.32.045	REP 59 E1 3
72.60.190	AMD	160 E1	4	73.32.050	REP 59 E1 3
72.60.200	AMD	141	261	73.32.060	REP 59 E1 3
72.60.240	AMD	141	263	73.32.070	REP 59 E1 3
72.60.250	AMD	141	262	73.32.080	REP 59 E1 3
72.60.260	AMD	141	264	73.32.085	REP 59 E1 3
72.60.270	AMD	151	173	73.32.120	REP 59 E1 3
72.60.280	AMD	160 E1	5	73.32.130	REP 59 E1 3
72.64.010	AMD	141	265	73.32.140	REP 59 E1 3
72.64.020	AMD	141	266	73.32.150	REP 59 E1 3
72.64.030	AMD	141	267	73.32.160	REP 59 E1 3
72.64.050	AMD	141	268	73.32.170	REP 59 E1 3
72.64.060	AMD	141	269	73.32.180	REP 59 E1 3
72.64.070	AMD	141	270	73.32.900	REP 59 E1 3

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RCW	CH.	SEC.	RCW	CH.	SEC.
73.32.910	REP	59 E1	3	74.04.480	AMD 141 321
73.33.010	REP	59 E1	3	74.04.500	AMD 141 322
73.33.020	REP	59 E1	3	74.08.055	AMD 141 323
73.33.030	REP	59 E1	3	74.08.070	AMD 141 324
73.33.040	REP	59 E1	3	74.08.070	AMD 92 E1 1
73.33.050	REP	59 E1	3	74.08.105	AMD 141 325
73.33.060	REP	59 E1	3	74.08.120	AMD 141 326
73.33.070	REP	59 E1	3	74.08.278	AMD 141 327
73.33.080	REP	59 E1	3	74.08.280	AMD 141 328
73.33.090	REP	59 E1	3	74.08.331	AMD 141 329
73.33.100	REP	59 E1	3	74.08.335	AMD 141 330
73.33.110	REP	59 E1	3	74.08.338	AMD 141 331
73.33.120	REP	59 E1	3	74.08.375	REP 67 E1 18
73.33.900	REP	59 E1	3	74.08.390	AMD 141 332
73.34.010	REP	59 E1	3	74.09	ADD 152 E1 1-11
73.34.020	REP	59 E1	3	74.09.010	AMD 141 333
73.34.030	REP	59 E1	3	74.09.030	AMD 141 334
73.34.040	REP	59 E1	3	74.09.040	REP 141 386
73.34.050	REP	59 E1	3	74.09.041	DECOD 141 385
73.34.060	REP	59 E1	3	74.09.050	AMD 141 335
73.34.080	REP	59 E1	3	74.09.060	REP 141 386
73.34.090	REP	59 E1	3	74.09.070	AMD 141 336
73.34.100	REP	59 E1	3	74.09.075	AMD 141 337
73.34.110	REP	59 E1	3	74.09.080	AMD 141 338
73.34.120	REP	59 E1	3	74.09.110	AMD 141 339
73.34.900	REP	59 E1	3	74.09.130	REP 141 386
74	ADD	211 E1	1-62, 69,70	74.09.160	AMD 81 E1 1
74.04.003	DECOD	141	385	74.09.170	AMD 141 340
74.04.005	AMD	141	294	74.09.170	REP 141 386
74.04.011	AMD	141	295	74.09.180	AMD 171 E1 14
74.04.013	DECOD	141	385	74.09.182	AMD 141 341
74.04.015	AMD	141	296	74.09.190	AMD 141 342
74.04.017	AMD	141	297	74.09.500	AMD 141 343
74.04.055	AMD	141	298	74.09.520	AMD 141 344
74.04.070	AMD	141	299	74.09.530	AMD 141 345
74.04.080	AMD	141	300	74.10.010	AMD 141 346
74.04.120	AMD	141	301	74.10.030	AMD 141 347
74.04.200	AMD	141	302	74.10.070	AMD 147 348
74.04.265	AMD	141	303	74.10.090	AMD 141 349
74.04.270	AMD	141	304	74.12.010	AMD 141 350
74.04.290	AMD	141	305	74.12.260	AMD 141 351
74.04.290	AMD	171 E1	2	74.12.290	AMD 141 352
74.04.300	AMD	141	306	74.12.300	AMD 141 353
74.04.305	AMD	141	307	74.12.350	AMD 141 354
74.04.306	AMD	141	308	74.13	ADD 155 78-82
74.04.310	AMD	141	309	74.13	ADD 248 E1 1-4
74.04.330	AMD	141	310	74.13.020	AMD 155 76
74.04.340	AMD	141	311	74.13.031	AMD 155 77
74.04.360	AMD	141	312	74.13.031	AMD 165 E1 22
74.04.380	AMD	141	313	74.13.106	AMD 67 E1 7
74.04.385	AMD	141	314	74.13.109	AMD 67 E1 8
74.04.390	AMD	141	315	74.13.130	AMD 67 E1 9
74.04.400	AMD	141	316	74.15	ADD 155 84
74.04.410	AMD	141	317	74.15.020	AMD 155 83
74.04.420	AMD	141	318	74.15.030	AMD 141 355
74.04.430	AMD	141	319	74.15.040	AMD 141 356
74.04.470	AMD	141	320	74.15.050	AMD 141 357
				74.15.070	AMD 141 358

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RCW	CH.	SEC.	RCW	CH.	SEC.
74.15.080	AMD 141	359	74.17.040	REP 99	81
74.15.100	AMD 141	360		(Eff. 6/30/84)	
74.15.120	AMD 141	361	74.20	ADD 171 E1	15
74.15.130	AMD 141	362	74.20	ADD 171 E1	17
74.15.140	AMD 141	363	74.20	ADD 171 E1	19
74.16.030	REP 99	81	74.20	ADD 171 E1	22
	(Eff. 6/30/84)		74.20	ADD 171 E1	25
74.16.040	REP 99	81	74.20.010	AMD 141	364
	(Eff. 6/30/84)		74.20.010	AMD 171 E1	24
74.16.170	REP 99	81	74.20.060	AMD 141	365
	(Eff. 6/30/84)		74.20.101	AMD 171 E1	13
74.16.181	REP 99	81	74.20.160	AMD 141	366
	(Eff. 6/30/84)		74.20.220	AMD 141	367
74.16.183	REP 99	81	74.20.260	AMD 141	368
	(Eff. 6/30/84)		74.20.270	AMD 141	369
74.16.190	REP 99	81	74.20.280	AMD 141	370
	(Eff. 6/30/84)		74.20.300	AMD 171 E1	1
74.16.300	REP 99	81	74.20A	ADD 171 E1	18
	(Eff. 6/30/84)		74.20A	ADD 171 E1	21
74.16.400	REP 99	81	74.20A	ADD 171 E1	23
	(Eff. 6/30/84)		74.20A.020	AMD 171 E1	3
74.16.410	REP 99	81	74.20A.030	AMD 141	371
	(Eff. 6/30/84)		74.20A.030	AMD 171 E1	4
74.16.420	REP 99	81	74.20A.050	REP 171 E1	26
	(Eff. 6/30/84)		74.20A.055	AMD 171 E1	12
74.16.430	AMD 151	174	74.20A.060	AMD 171 E1	5
74.16.430	REP 99	81	74.20A.080	AMD 171 E1	6
	(Eff. 6/30/84)		74.20A.090	AMD 171 E1	10
74.16.430	DECOD 141	385	74.20A.110	AMD 171 E1	7
74.16.440	REP 99	81	74.20A.160	AMD 171 E1	8
	(Eff. 6/30/84)		74.20A.200	AMD 171 E1	9
74.16.450	REP 99	81	74.20A.210	REP 67 E1	18
	(Eff. 6/30/84)		74.20A.220	AMD 171 E1	16
74.16.460	REP 99	81	74.20A.250	AMD 171 E1	20
	(Eff. 6/30/84)		74.22.020	AMD 141	372
74.16.470	REP 99	81	74.22.050	AMD 141	373
	(Eff. 6/30/84)		74.22.070	AMD 141	374
74.16.480	REP 99	81	74.22.100	AMD 141	375
	(Eff. 6/30/84)		74.22.110	AMD 141	376
74.16.490	REP 99	81	74.23.020	AMD 143	377
	(Eff. 6/30/84)		74.23.040	AMD 141	378
74.16.500	REP 99	81	74.23.070	AMD 141	379
	(Eff. 6/30/84)		74.23.110	AMD 141	380
74.16.510	REP 99	81	74.23.120	AMD 141	381
	(Eff. 6/30/84)		74.38	ADD 116	1
74.16.520	REP 99	81	74.38.050	AMD 147 E1	1
	(Eff. 6/30/84)		75	ADD 243 E1	1-7
74.16.530	REP 99	81	75.08.230	AMD 151	175
	(Eff. 6/30/84)		75.08.260	AMD 99 E1	1
74.16.540	REP 99	81	75.12.130	AMD 141	382
	(Eff. 6/30/84)		75.18.110	AMD 60	3
74.17.010	REP 99	81	75.24.100	AMD 141 E1	1
	(Eff. 6/30/84)		75.28	ADD 60	2
74.17.020	REP 99	81	75.28	ADD 99 E1	3
	(Eff. 6/30/84)		75.28	ADD 141 E1	5-7
74.17.030	REP 99	81	75.28.087	AMD 141 E1	2
	(Eff. 6/30/84)		75.28.095	AMD 60	1
			75.28.280	AMD 141 E1	3

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RCW SECTIONS AFFECTED BY 1979 STATUTES

RCW		CH.	SEC.	RCW		CH.	SEC.
75.28.287	AMD	141	E1 4	76.42.050	REP	67 E1	19
75.28.300	AMD	66	1		(Eff. 7/1/81)		
75.28.320	REP	66	4	76.44	ADD	50	3
75.28.325	REP	66	4	76.44.010	AMD	50	1
75.28.330	REP	66	4	76.44.020	AMD	50	2
75.28.360	REP	66	4	76.44.025	REP	50	4
75.28.370	AMD	66	2	76.44.030	AMD	50	5
75.28.380	AMD	99	E1 2	76.44.040	AMD	50	6
75.28.455	AMD	135	1	76.44.050	AMD	50	7
75.28.510	AMD	43	E1 1	76.48	ADD	94 E1	15
75.28.520	AMD	43	E1 2	76.48.020	AMD	94 E1	1
75.28.530	AMD	43	E1 4	76.48.030	AMD	94 E1	2
75.28.540	AMD	43	E1 3	76.48.040	AMD	94 E1	3
75.30	ADD	101	2-6	76.48.050	AMD	94 E1	4
75.30.020	AMD	101	7	76.48.060	AMD	94 E1	5
75.32.030	AMD	203	E1 1	76.48.070	AMD	94 E1	6
75.98.040	AMD	66	3	76.48.080	AMD	94 E1	7
76	ADD	100	1-4	76.48.090	REP	94 E1	16
76.04.120	AMD	8	E1 2	76.48.092	AMD	94 E1	8
76.04.222	AMD	8	E1 1	76.48.094	AMD	94 E1	9
76.04.223	REP	8	E1 3	76.48.096	AMD	94 E1	10
76.04.224	REP	8	E1 3	76.48.098	AMD	94 E1	11
76.04.225	REP	8	E1 3	76.48.100	AMD	94 E1	12
76.04.226	REP	8	E1 3	76.48.110	AMD	94 E1	13
76.04.227	REP	8	E1 3	76.48.120	AMD	94 E1	14
76.04.450	REP	8	E1 3	77.12	ADD	56	2
76.04.460	REP	8	E1 3	77.12.170	AMD	56	1
76.04.470	REP	8	E1 3	77.12.180	REP	67 E1	18
76.04.480	REP	8	E1 3	77.12.280	AMD	151	176
76.04.480	AMD	136	E1 105	77.32	ADD	127 E1	1
76.04.485	REP	8	E1 3	77.32.010	AMD	3 E1	1
76.04.510	AMD	67	E1 10	77.32.050	AMD	3 E1	2
76.04.515	AMD	67	E1 11	77.32.060	AMD	3 E1	3
76.04.520	AMD	49	2	78.08.031	REP	30 E1	20
76.06.100	REP	67	E1 19	78.08.032	REP	30 E1	20
	(Eff. 7/1/81)			78.08.040	AMD	30 E1	15
76.06.110	AMD	67	E1 12	78.08.081	AMD	30 E1	16
	(Eff. 7/1/81)			78.08.120	REP	30 E1	20
76.06.120	REP	67	E1 19	78.08.140	REP	30 E1	20
	(Eff. 7/1/81)			79.01	ADD	150	1
76.09.210	REP	99	45	79.01	ADD	56 E1	1
	(Eff. 6/30/82)			79.01	ADD	97 E1	2,3
76.09.210	AMD	47	E1 4	79.01	ADD	109 E1	10
76.09.220	REP	99	45	79.01	ADD	109 E1	17
	(Eff. 6/30/82)			79.01	ADD	109 E1	22
76.09.220	AMD	47	E1 5	79.01	ADD	141 E1	8
76.09.230	REP	99	45	79.01.036	AMD	109 E1	1
	(Eff. 6/30/82)			79.01.088	AMD	109 E1	2
76.40.015	AMD	107	7	79.01.092	AMD	109 E1	3
76.40.015	REP	67	E1 19	79.01.096	AMD	109 E1	4
	(Eff. 7/1/81)			79.01.136	AMD	109 E1	5
76.40.016	AMD	107	8	79.01.140	AMD	109 E1	6
76.40.016	REP	67	E1 19	79.01.144	REP	109 E1	23
	(Eff. 7/1/81)			79.01.148	AMD	109 E1	7
76.40.030	AMD	67	E1 13	79.01.200	AMD	54	2
	(Eff. 7/1/81)			79.01.204	AMD	54	3
76.42.040	REP	67	E1 19	79.01.236	AMD	109 E1	8
	(Eff. 7/1/81)			79.01.244	AMD	109 E1	9

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RCW SECTIONS AFFECTED BY 1979 STATUTES

RCW		CH.	SEC.	RCW		CH.	SEC.
79.01.248	AMD	109	E1 11	82.04	ADD	266	E1 8
79.01.252	AMD	109	E1 12	82.04.240	AMD	196	E1 1
79.01.256	AMD	109	E1 13	82.04.260	AMD	196	E1 2
79.01.260	AMD	109	E1 14	82.04.291	AMD	6	1
79.01.264	AMD	109	E1 15	82.04.291	RECOD	6	1
79.01.268	AMD	109	E1 16	82.04.300	AMD	196	E1 4
79.01.272	REP	109	E1 23	82.04.430	AMD	196	E1 5
79.01.276	REP	109	E1 23	82.04.442	AMD	196	E1 8
79.01.280	REP	109	E1 23	82.08	ADD	266	E1 3,4
79.01.288	REP	109	E1 23	82.08.030	AMD	2	1
79.01.520	AMD	96	E1 5	82.08.030	AMD	12	1
79.01.568	AMD	123	E1 1		REEN	12	1
79.01.720	AMD	109	E1 18	82.08.030	AMD	266	E1 6
79.01.724	AMD	109	E1 19	82.12.030	AMD	2	2
79.08	ADD	24	1	82.12.030	AMD	12	2
79.08.015	AMD	54	1		REEN	12	2
79.12.570	AMD	109	E1 20	82.12.030	AMD	266	E1 7
79.12.580	REP	109	E1 23	82.12.045	AMD	158	222
79.12.590	REP	109	E1 23	82.16	ADD	111	18
79.16.400	AMD	30	E1 17	82.24	ADD	59	E1 2
79.24.200	REP	67	E1 18	82.29A.020	AMD	196	E1 11
79.24.210	REP	67	E1 18	82.32.030	AMD	95	E1 1
79.24.220	REP	67	E1 18	82.32.060	AMD	95	E1 4
79.24.230	REP	67	E1 18	82.32.130	AMD	95	E1 2
79.24.240	REP	67	E1 18	82.32.340	AMD	151	184
79.24.250	REP	67	E1 18	82.32.340	AMD	95	E1 3
79.24.260	REP	67	E1 18	82.36.010	AMD	158	223
79.24.270	REP	67	E1 18	82.36.025	AMD	158	224
79.24.280	REP	67	E1 18	82.36.440	AMD	179	E1 5
79.28.060	REP	109	E1 23	82.37.020	AMD	158	225
79.28.080	AMD	109	E1 21	82.38	ADD	40	20
79.44.040	AMD	151	177	82.38	ADD	40	21
79.44.050	AMD	151	178	82.38	ADD	40	22
79.44.060	AMD	151	179	82.38.010	AMD	40	1
79.44.070	AMD	151	180	82.38.020	AMD	40	2
79.44.080	AMD	151	181	82.38.030	AMD	40	3
79.44.140	AMD	151	182	82.38.075	AMD	48	1
79.44.180	AMD	151	183	82.38.080	AMD	40	4
79.76.040	AMD	2	E1 1	82.38.090	AMD	40	5
80	ADD	33	1-6	82.38.100	AMD	40	6
80.24.050	AMD	198	E1 1	82.38.110	AMD	40	7
80.50.040	AMD	254	E1 1	82.38.120	AMD	40	8
80.50.150	AMD	41	1	82.38.130	AMD	40	9
80.50.150	AMD	254	E1 2	82.38.140	AMD	40	10
81	ADD	111	4-10	82.38.150	AMD	40	11
81.24.080	AMD	198	E1 2	82.38.160	AMD	40	12
81.68.010	AMD	111	16	82.38.170	AMD	40	13
81.68.080	AMD	136	E1 106	82.38.190	AMD	40	14
81.70.170	AMD	136	E1 107	82.38.210	AMD	40	15
81.80	ADD	138	E1 1	82.38.220	AMD	40	16
81.80.040	AMD	6	E1 1	82.38.230	AMD	40	17
82	ADD	179	E1 1-4	82.38.260	AMD	40	18
82.02.010	AMD	107	9	82.38.270	AMD	40	19
82.02.020	AMD	196	E1 3	82.38.280	AMD	179	E1 6
82.03.190	AMD	209	E1 50	82.42.010	AMD	158	229
82.04	ADD	111	17	82.44.010	AMD	107	10
82.04	ADD	196	E1 6,7	82.44.020	AMD	158	230
82.04	ADD	196	E1 12-14	82.44.040	AMD	158	231

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RCW SECTIONS AFFECTED BY 1979 STATUTES

RCW		CH.	SEC.	RCW		CH.	SEC.
82.44.045	AMD	158	232	83.32.020	AMD	107	19
82.44.060	AMD	158	233	83.32.030	AMD	107	20
82.44.070	AMD	158	234	83.32.050	AMD	107	21
82.44.110	AMD	158	235	83.40.010	AMD	209 E1	41
82.44.120	AMD	120	2	83.40.020	AMD	107	22
82.44.140	AMD	158	237	83.40.030	AMD	107	23
82.44.150	AMD	158	238	83.40.040	AMD	209 E1	38
82.44.150	AMD	175 E1	4	83.44	ADD	209 E1	24
82.44.160	REP	99	74	83.44.010	AMD	209 E1	22
	(Eff. 6/30/84)			83.44.020	REP	209 E1	54
82.48.010	AMD	158	239	83.44.080	AMD	209 E1	21
82.48.020	AMD	158	240	83.44.110	AMD	107	24
82.50.010	AMD	107	11	83.56.005	REP	210 E1	23
82.50.400	AMD	123	1	83.56.010	REP	210 E1	23
82.50.410	AMD	123	2	83.56.020	REP	210 E1	23
82.50.440	AMD	158	242	83.56.030	REP	210 E1	23
82.50.450	REP	123	5	83.56.040	REP	210 E1	23
82.50.460	AMD	123	3	83.56.050	REP	210 E1	23
82.50.470	REP	123	5	83.56.060	REP	210 E1	23
82.50.471	REP	123	5	83.56.070	REP	210 E1	23
82.50.480	REP	123	5	83.56.080	REP	210 E1	23
82.50.490	REP	123	5	83.56.090	REP	210 E1	23
82.50.500	REP	123	5	83.56.100	REP	210 E1	23
82.50.520	AMD	123	4	83.56.110	REP	210 E1	23
82.56.020	AMD	107	12	83.56.120	REP	210 E1	23
83	ADD	210 E1	1-20	83.56.130	REP	210 E1	23
83.01.010	AMD	107	13	83.56.140	REP	210 E1	23
83.04	ADD	209 E1	5	83.56.150	REP	210 E1	23
83.04	ADD	209 E1	36	83.56.160	REP	210 E1	23
83.04.010	AMD	209 E1	1	83.56.170	REP	210 E1	23
83.04.013	AMD	209 E1	2	83.56.180	REP	210 E1	23
83.04.030	AMD	209 E1	4	83.56.190	REP	210 E1	23
83.04.050	REP	209 E1	54	83.56.200	REP	210 E1	23
83.04.080	AMD	209 E1	6	83.56.210	REP	210 E1	23
83.05.020	AMD	209 E1	7	83.56.220	REP	210 E1	23
83.05.050	AMD	209 E1	20	83.56.230	REP	210 E1	23
83.08	ADD	209 E1	11-16	83.56.240	REP	210 E1	23
83.08	ADD	209 E1	25	83.56.250	REP	210 E1	23
83.08.020	REP	209 E1	54	83.56.270	REP	210 E1	23
83.08.030	REP	209 E1	54	83.56.280	REP	210 E1	23
83.08.040	REP	209 E1	54	83.56.290	REP	210 E1	23
83.08.050	AMD	209 E1	8	83.56.300	REP	210 E1	23
83.16	ADD	209 E1	26-35	83.56.310	REP	210 E1	23
83.16.010	AMD	209 E1	37	83.56.320	REP	210 E1	23
83.16.020	AMD	209 E1	9	83.56.900	REP	210 E1	23
83.16.080	AMD	107	14	84.04	ADD	107	25,26
83.16.080	AMD	209 E1	10	84.04.110	REP	107	27
83.20	ADD	209 E1	23	84.33	ADD	6	1
83.20.010	AMD	209 E1	40	84.33.060	AMD	6	2
83.20.020	REP	209 E1	54	84.33.080	AMD	6	3
83.20.030	REP	209 E1	54	84.33.200	AMD	6	4
83.20.040	REP	209 E1	54	84.34	ADD	84	1-9
83.24	ADD	209 E1	51	84.36.260	AMD	193 E1	1
83.24.020	AMD	107	15	84.36.381	AMD	214 E1	1
83.24.035	AMD	209 E1	3	84.36.383	AMD	214 E1	2
83.28.030	AMD	107	16	84.36.385	AMD	214 E1	3
83.28.060	AMD	107	17	84.36.389	AMD	214 E1	4
83.28.070	AMD	107	18	84.36.451	AMD	196 E1	10

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RCW SECTIONS AFFECTED BY 1979 STATUTES

RCW	CH.	SEC.	RCW	CH.	SEC.		
84.38.020	AMD	214 E1	5	90.48.260	AMD	267 E1	1
84.38.030	AMD	214 E1	6	90.54	ADD	216 E1	9
84.38.040	AMD	214 E1	7	90.58	ADD	84 E1	4
84.38.050	AMD	214 E1	8	90.58.030	AMD	84 E1	3
84.41.041	AMD	214 E1	9	90.58.170	AMD	47 E1	6
84.48.010	REEN	13	1	91.04.325	REP	30 E1	20
84.48.080	AMD	86 E1	3	91.04.360	REP	30 E1	20
84.48.110	AMD	151	185	91.06.010	REP	30 E1	20
84.48.110	AMD	86 E1	4	91.06.020	REP	30 E1	20
84.48.120	AMD	86 E1	5	91.06.030	REP	30 E1	20
84.52	ADD	200 E1	1	91.06.040	REP	30 E1	20
84.52.0531	AMD	172 E1	1	91.06.050	REP	30 E1	20
84.52.065	AMD	218 E1	1	91.06.060	REP	30 E1	20
84.55	ADD	218 E1	4-6	91.06.070	REP	30 E1	20
84.55.010	AMD	218 E1	2	91.06.080	REP	30 E1	20
84.55.050	AMD	218 E1	3	91.06.090	REP	30 E1	20
84.56.280	AMD	86 E1	7	91.06.100	REP	30 E1	20
84.56.290	AMD	86 E1	8	91.07.010	REP	30 E1	20
85.07.010	AMD	30 E1	18	91.07.020	REP	30 E1	20
85.08.020	REP	99	75				
	(Eff. 6/30/84)						
86.24.040	AMD	30 E1	19				
87.03	ADD	185 E1	4				
87.03	ADD	185 E1	15,16				
87.03	ADD	263 E1	4				
87.03.015	AMD	185 E1	2				
87.03.115	AMD	185 E1	3				
87.03.440	AMD	83	1				
87.03.441	AMD	83	2				
87.03.445	AMD	185 E1	5				
87.03.450	AMD	185 E1	6				
87.03.460	AMD	83	83				
87.03.465	REP	4 E1	2				
87.03.485	AMD	185 E1	7				
87.28	ADD	185 E1	17-22				
87.28.010	AMD	185 E1	8				
87.28.020	AMD	185 E1	9				
87.28.030	AMD	185 E1	10				
87.28.035	AMD	185 E1	11				
87.28.040	AMD	185 E1	12				
87.28.100	AMD	185 E1	13				
87.28.103	AMD	185 E1	14				
87.60.150	REP	30 E1	20				
87.84.061	AMD	141	383				
88.04	ADD	74	1-4				
88.16	ADD	207 E1	4				
88.16.010	AMD	207 E1	1				
88.16.050	AMD	207 E1	2				
88.16.090	AMD	207 E1	3				
90	ADD	3	1-10				
90.03	ADD	166 E1	1				
90.03	ADD	216 E1	1				
90.03	ADD	216 E1	7,8				
90.03.130	AMD	216 E1	2				
90.03.180	AMD	216 E1	3				
90.14	AMD	216 E1	4				
90.14.160	AMD	216 E1	5				
90.14.200	AMD	216 E1	6				

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SESSION LAW SECTIONS AFFECTED BY 1979 STATUTES

<u>LAWS 1889-90</u>					<u>LAWS 1979</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>	
677(pg)	11	AMD	185	E1	3			57	E1	1
690(pg)	37	AMD	185	E1	5					
692(pg)	39	AMD	83		3					
692(pg)	40	REP	4	E1	2					
<u>LAWS 1891</u>					<u>LAWS 1979</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>	
20	1	AMD	48	E1	1					
74	10	AMD	151		8					
130	1	AMD	151		68					
<u>LAWS 1895</u>					<u>LAWS 1979</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>	
75	1	AMD	104	E1	1					
95	4	AMD	151		2					
95	4	AMD	167	E1	1					
<u>LAWS 1899</u>					<u>LAWS 1979</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>	
30	2	REP	99		66					
			(Eff. 6/30/84)							
45	6	AMD	30	E1	16					
45	13	REP	30	E1	20					
45	14	REP	30	E1	20					
121	1	AMD	90		6					
121	10	AMD	90		7					
121	11	AMD	90		12					
121	13	AMD	90		16					
121	16	AMD	90		10					
<u>LAWS 1901</u>					<u>LAWS 1979</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>	
146	4	AMD	145		4					
172	8	REP	99		80					
			(Eff. 6/30/84)							
<u>LAWS 1903</u>					<u>LAWS 1979</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>	
49	1	AMD	165	E1	18					
135	1	REP	154		26					
135	2	REP	154		26					
135	3	REP	154		26					
135	4	REP	154		26					
135	5	REP	154		26					
135	6	REP	154		26					
135	7	REP	154		26					
135	8	REP	154		26					
135	9	REP	154		26					
135	10	REP	154		26					
177	1	REEN	9		1					
177	1	REP	99		68					
			(Eff. 6/30/84)							
177	2	REP	99		68					
			(Eff. 6/30/84)							
177	3	REP	99		68					
			(Eff. 6/30/84)							
<u>LAWS 1903 (cont.)</u>					<u>LAWS 1979</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>	
177	3	AMD	57	E1	1					
<u>LAWS 1905</u>					<u>LAWS 1979</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>	
24	1	AMD	29		1					
<u>LAWS 1907</u>					<u>LAWS 1979</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>	
56	1	AMD	135	E1	7					
83	2	AMD	52	E1	2					
83	3	AMD	52	E1	3					
145	1	AMD	22	E1	1					
<u>LAWS 1909</u>					<u>LAWS 1979</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>	
56	1	REP	99		52					
			(Eff. 6/30/82)							
56	2	REP	99		52					
			(Eff. 6/30/82)							
56	3	REP	99		52					
			(Eff. 6/30/82)							
56	4	REP	99		52					
			(Eff. 6/30/82)							
56	5	REP	99		52					
			(Eff. 6/30/82)							
124	1	AMD	54	E1	1					
124	2	AMD	54	E1	2					
174	1	REP	128	E1	4					
174	2	REP	128	E1	4					
208	3	AMD	141		109					
213	10	AMD	90		13					
213	12	AMD	90		8					
215	15	REP	99		55					
			(Eff. 6/30/82)							
249	419	AMD	128	E1	3					
<u>LAWS 1909 EX</u>					<u>LAWS 1979</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>	
16	1	REP	128	E1	4					
16	2	REP	128	E1	4					
<u>LAWS 1911</u>					<u>LAWS 1979</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>	
57	2	AMD	135	E1	2					
57	3	AMD	135	E1	1					
57	7	AMD	135	E1	3					
92	8	AMD	30	E1	9					
<u>LAWS 1913</u>					<u>LAWS 1979</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>	
62	8	AMD	30	E1	9					
127		ADD	1		2					
127		ADD	1		3					
127		ADD	1		4					
127		ADD	1		5					
127		ADD	1		7					

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LAWS 1923 (cont.)			LAWS 1979		LAWS 1927 (cont.)			LAWS 1979		
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.	
75	14	AMD	158	13	211	12	REP	99	80	
75	15	REP	99	80			(Eff. 6/30/84)			
			(Eff. 6/30/84)		255		ADD	56	E1 1	
75	17	REP	99	80	255		ADD	109	E1 10	
			(Eff. 6/30/84)		255		ADD	109	E1 17	
75	19	REP	99	80	255		ADD	109	E1 22	
			(Eff. 6/30/84)		255	9	AMD	109	E1 1	
85	3	REP	109	E1 23	255	22	AMD	109	E1 2	
138	2	AMD	185	E1 2	255	23	AMD	109	E1 3	
143	1	REP	8	E1 3	255	24	AMD	109	E1 4	
143	2	REP	8	E1 3	255	34	AMD	109	E1 5	
143	3	REP	8	E1 3	255	35	AMD	109	E1 6	
143	3	AMD	136	E1 105	255	36	REP	109	E1 23	
143	4	REP	8	E1 3	255	37	AMD	109	E1 7	
180	9	REP	90	20	255	50	AMD	54	2	
184	11	AMD	8	E1 2	255	51	AMD	54	3	
					255	59	AMD	109	E1 8	
					255	61	AMD	109	E1 9	
					255	62	AMD	109	E1 11	
					255	63	AMD	109	E1 12	
					255	64	AMD	109	E1 13	
					255	65	AMD	109	E1 14	
					255	66	AMD	109	E1 15	
					255	67	AMD	109	E1 16	
					255	68	REP	109	E1 23	
					255	69	REP	109	E1 23	
					255	70	REP	109	E1 23	
					255	72	REP	109	E1 23	
					255	130	AMD	97	E1 1	
					255	142	AMD	123	E1 1	
					255	190	AMD	109	E1 18	
					255	191	AMD	109	E1 19	
LAWS 1925 EX			LAWS 1979		LAWS 1927			LAWS 1979		
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.	
113	2	AMD	126	E1 35	255	62	AMD	109	E1 11	
113	3	REP	126	E1 43	255	63	AMD	109	E1 12	
187	1	REEN	9	2	255	64	AMD	109	E1 13	
187	1	REP	99	67	255	65	AMD	109	E1 14	
			(Eff. 6/30/84)		255	66	AMD	109	E1 15	
187	2	REP	99	67	255	67	AMD	109	E1 16	
			(Eff. 6/30/84)		255	68	REP	109	E1 23	
187	3	REP	99	67	255	69	REP	109	E1 23	
			(Eff. 6/30/84)		255	70	REP	109	E1 23	
187	3	AMD	57	E1 2	255	72	REP	109	E1 23	
					255	130	AMD	97	E1 1	
					255	142	AMD	123	E1 1	
					255	190	AMD	109	E1 18	
					255	191	AMD	109	E1 19	
LAWS 1927			LAWS 1979		LAWS 1929			LAWS 1979		
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.	
51	1	AMD	77	1	58	1	AMD	136	E1 21	
94	1	AMD	1	18	60	7	AMD	236	E1 1	
94	2	AMD	1	19	60	8	REP	236	E1 2	
165	1	AMD	154	8	114	21	AMD	137	E1 2	
165	3	AMD	154	9	122	3	AMD	216	E1 3	
165	4	AMD	154	10	209	1	REP	99	80	
165	5	AMD	154	11			(Eff. 6/30/84)			
165	6	AMD	154	12	209	3	REP	99	80	
165	9	AMD	154	13			(Eff. 6/30/84)			
165	11	AMD	154	15	209	4	REP	99	80	
165	12	AMD	154	16			(Eff. 6/30/84)			
165	12	AMD	238	E1 9	209	6	REP	99	80	
165	13	REP	154	26			(Eff. 6/30/84)			
211	1	REP	99	80	209	7	REP	99	80	
			(Eff. 6/30/84)				(Eff. 6/30/84)			
211	5	REP	99	80	209	8	REP	99	80	
			(Eff. 6/30/84)				(Eff. 6/30/84)			
211	6	REP	99	80	209					
			(Eff. 6/30/84)				(Eff. 6/30/84)			
211	9	REP	99	80						
			(Eff. 6/30/84)				(Eff. 6/30/84)			
211	10	REP	99	80						
			(Eff. 6/30/84)							
211	11	REP	99	80						
			(Eff. 6/30/84)							
					LAWS 1931			LAWS 1979		
					Ch.	Sec.	Action	Ch.	Sec.	
					1	3	AMD	240	E1 1	
					1	4	AMD	126	E1 37	

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LAWS 1937 (cont.)			LAWS 1979		LAWS 1941		LAWS 1979			
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.	
199	4	REP	99	80	44		1	REP	99	66
			(Eff. 6/30/84)					(Eff. 6/30/84)		
215	1	REP	99	78	44		2	REP	99	66
			(Eff. 6/30/84)					(Eff. 6/30/84)		
215	4	REP	99	78	44		4	REP	99	66
			(Eff. 6/30/84)					(Eff. 6/30/84)		
215	6	REP	99	78	44		4	AMD	57 E1	3
			(Eff. 6/30/84)		44		5	REP	99	66
215	7	REP	99	78				(Eff. 6/30/84)		
			(Eff. 6/30/84)		45		2	AMD	126 E1	35
215	7	AMD	158	16	71		6	AMD	158	72
215	8	REP	99	78	71		21	AMD	158	71
			(Eff. 6/30/84)		77		2	AMD	148	1
215	8	AMD	158	15	87		1	AMD	30 E1	10
215	9	REP	99	78	139		1	AMD	151	164
			(Eff. 6/30/84)		150		6	AMD	151	49
215	14	REP	99	78	173		1	AMD	255 E1	2
			(Eff. 6/30/84)		208		3	AMD	18	5
215	15	REP	99	78	208		6	AMD	18	6
			(Eff. 6/30/84)		208		13	AMD	18	3
215	16	REP	99	78	208		24	AMD	18	1
			(Eff. 6/30/84)		208		27	AMD	18	2
215	18	REP	99	78	210		11	AMD	23	1
			(Eff. 6/30/84)		210		44	AMD	137 E1	1
215	19	REP	99	78	231		1	AMD	37 E1	1
			(Eff. 6/30/84)		231		2	AMD	37 E1	2
215	20	REP	99	78	231		4	AMD	37 E1	3
			(Eff. 6/30/84)		252		2	AMD	158	68
					252		19	AMD	25	4
					252		19	REEN	25	4
LAWS 1939			LAWS 1979		LAWS 1943		LAWS 1979			
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.	
28	1	AMD	90	15	129		1	REP	99	50
34	1	AMD	179 E1	5				(Eff. 6/30/82)		
34	22	AMD	126 E1	31	129		2	REP	99	50
34	23	AMD	126 E1	32				(Eff. 6/30/82)		
34	27	AMD	126 E1	33	129		3	REP	99	50
112	16	REP	99	75				(Eff. 6/30/82)		
			(Eff. 6/30/84)		129			(Eff. 6/30/82)		
112	17	REP	99	75	130		90	REP	135 E1	9
			(Eff. 6/30/84)		190		5	AMD	141	87
112	20	REP	154	26	247		4	AMD	21	1
112	21	REP	154	26	247		6	AMD	21	2
133	1	AMD	101 E1	2	247		16	AMD	21	3
165	2	AMD	141	95	247		31	AMD	21	14
171	7	AMD	185 E1	5	247		91	AMD	21	15
190	16	REP	99	75	247		98	AMD	21	16
			(Eff. 6/30/84)		247		114	AMD	21	20
190	17	REP	99	75	247		115	AMD	21	21
			(Eff. 6/30/84)		247		120	AMD	21	17
190	19	REP	154	26	247		127	AMD	21	19
190	20	REP	154	26	247		131	REP	21	44
190	21	AMD	154	20	247		146	AMD	21	42
191	2	AMD	141	86	247					

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LAWS 1945			LAWS 1979		LAWS 1947 (cont.)			LAWS 1979		
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.	
23	1	AMD	141	108	79	.17.15	AMD	269	E1 7	
35	93	AMD	190	E1 2	79	.17.16	AMD	269	E1 2	
35	95	AMD	190	E1 3	79	.17.17	AMD	269	E1 3	
35	96	AMD	190	E1 4	79	.17.18	AMD	269	E1 4	
35	97	AMD	190	E1 5	79	.17.19	AMD	138	1	
35	98	AMD	190	E1 6	79	.17.20	AMD	269	E1 5	
35	99	AMD	190	E1 7	79	.17.25	AMD	269	E1 8	
35	100	AMD	190	E1 9	79	.17.40	REP	269	E1 9	
35	101	AMD	190	E1 11	79	.17.50	AMD	269	E1 6	
35	102	AMD	190	E1 12	79	.18.29	AMD	199	E1 5	
35	103	AMD	190	E1 13	79	.18.30	AMD	199	E1 8	
35	106	AMD	190	E1 14	79	.23.01	AMD	130	2	
48	2	AMD	23	E1 1	79	.23.20	AMD	157	3	
132	2	AMD	155	7	79	.23.35	AMD	157	4	
150	1	REP	99	55	79	.24.16	AMD	199	E1 9	
			(Eff. 6/30/82)		80	1	AMD	249	E1 5	
159	2	AMD	162	E1 1	80	24	AMD	45	E1 3	
159	6	AMD	162	E1 2	80	59	AMD	205	E1 5	
169	1	REP	154	26	102	1	REP	99	80	
235	10	AMD	113	2				(Eff. 6/30/84)		
235	28	AMD	113	4	105	2	REP	99	55	
235	35	AMD	113	3				(Eff. 6/30/82)		
235	54	AMD	113	5	116	3	AMD	67	E1 13	
235	58	AMD	113	6	165	23	AMD	158	205	
235	67	AMD	113	7	165	25	AMD	158	206	
235	69	AMD	113	8	172	2	AMD	154	9	
235	74	AMD	113	9	172	3	AMD	154	10	
235	95	AMD	113	1	172	4	AMD	154	11	
261	17	AMD	156	E1 1	172	5	AMD	154	12	
261	17	AMD	157	E1 1	172	8	AMD	154	13	
261	24	AMD	205	E1 3	172	10	AMD	154	16	
264	1	AMD	143	E1 2	177	1	AMD	50	1	
264	1	AMD	155	E1 2	177	2	AMD	50	2	
264	5	AMD	126	E1 41	177	3	AMD	50	5	
264	6	AMD	143	E1 4	177	4	AMD	50	6	
264	6	AMD	155	E1 1	177	5	AMD	50	7	
264	8	AMD	141	107	205	1	AMD	151	179	
					215	20	AMD	190	E1 7	
					222	1	REP	30	E1 20	
					274	1	AMD	249	E1 7	
					274	16	AMD	249	E1 10	
					274	28	AMD	249	E1 11	
					274	38	AMD	151	63	
					274	39	AMD	205	E1 6	
LAWS 1947			LAWS 1979		LAWS 1949			LAWS 1979		
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.	
6	14	AMD	126	E1 40	46	8	AMD	141	85	
36	6	AMD	151	153	51	1	REP	99	80	
71	24	AMD	205	E1 7				(Eff. 6/30/84)		
79	.01.05	AMD	256	E1 13	51	2	REP	99	80	
79	.02.12	AMD	130	E1 1				(Eff. 6/30/84)		
79	.03.01	AMD	139	1	51	3	REP	99	80	
79	.03.06	AMD	35	E1 1				(Eff. 6/30/84)		
79	.05.23	REP	130	E1 5	51	4	REP	99	80	
79	.05.24	REP	130	E1 5				(Eff. 6/30/84)		
79	.12.15	AMD	157	1	51	4	REP	99	80	
79	.13.21	AMD	130	E1 4				(Eff. 6/30/84)		
79	.13.21	AMD	199	E1 3						
79	.14.01	AMD	269	E1 1	51					
79	.14.02	AMD	233	E1 2						
79	.14.07	AMD	130	E1 2	51					
79	.15.07	AMD	130	E1 3						
79	.15.15	AMD	199	E1 4						

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LAWS 1949 (cont.)			LAWS 1979		LAWS 1949 (cont.)			LAWS 1979	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
51	5	REP	99	80	197	10	AMD	141	102
			(Eff. 6/30/84)		197	12	AMD	141	103
51	6	REP	99	80	197	13	AMD	141	104
			(Eff. 6/30/84)		197	14	AMD	141	105
57	1	AMD	185	E1	8	202	4	AMD	158
57	2	AMD	185	E1	9	202	19	AMD	106 E1
57	3	AMD	185	E1	10	203	1	AMD	109 E1
57	4	AMD	185	E1	11	203	2	REP	109 E1
57	5	AMD	185	E1	12	203	3	REP	109 E1
57	8	AMD	185	E1	13	214	20	AMD	190 E1
57	9	AMD	185	E1	14	222	5	AMD	158
121	1	REP	99	47	222	9	AMD	158	65
			(Eff. 6/30/82)		222	10	AMD	158	66
121	2	REP	99	47	226	11	AMD	158	7
			(Eff. 6/30/82)		226	19	AMD	158	8
121	3	REP	99	47	226	21	AMD	158	9
			(Eff. 6/30/82)		226	28	AMD	158	10
121	4	REP	99	47	230	1	REP	67 E1	18
			(Eff. 6/30/82)				(Eff. 7/1/81)		
121	5	REP	99	47	230	2	REP	67 E1	18
			(Eff. 6/30/82)				(Eff. 7/1/81)		
121	6	REP	99	47	230	3	REP	67 E1	18
			(Eff. 6/30/82)				(Eff. 7/1/81)		
121	7	REP	99	47	230	4	REP	67 E1	18
			(Eff. 6/30/82)				(Eff. 7/1/81)		
121	8	REP	99	47	230	5	REP	67 E1	18
			(Eff. 6/30/82)				(Eff. 7/1/81)		
121	9	REP	99	47	230	6	REP	67 E1	18
			(Eff. 6/30/82)				(Eff. 7/1/81)		
121	10	REP	99	47	239	2	AMD	158	62
			(Eff. 6/30/82)		239	12	AMD	158	63
121	11	REP	99	47					
			(Eff. 6/30/82)						
153	5	AMD	90	9					
160	3	REP	99	66					
			(Eff. 6/30/84)						
160	3	REP	99	67					
			(Eff. 6/30/84)						
178	1	AMD	158	221					
180	1	REP	59	E1	3				
180	2	REP	59	E1	3				
180	3	REP	59	E1	3				
180	4-7	REP	59	E1	3				
180	8	REP	59	E1	3				
180	9	REP	59	E1	3				
180	10	REP	59	E1	3				
180	11	REP	59	E1	3				
180	12	REP	59	E1	3				
180	13	REP	59	E1	3				
180	14	REP	59	E1	3				
183	2	AMD	127	2					
183	3	AMD	127	3					
197	2	AMD	141	96					
197	3	AMD	141	97					
197	4	AMD	141	98					
197	6	AMD	141	99					
197	8	AMD	141	100					
197	9	AMD	141	101					

LAWS 1950 EX LAWS 1979

Ch.	Sec.	Action	Ch.	Sec.
12	1	REP	59	E1
13	1	REP	59	E1

LAWS 1951 LAWS 1979

Ch.	Sec.	Action	Ch.	Sec.
7	1	REP	59	E1
13	1	AMD	8	E1
13	2	REP	8	E1
13	3	REP	8	E1
13	4	REP	8	E1
13	5	REP	8	E1
13	6	REP	8	E1
16	1	REP	99	80
			(Eff. 6/30/84)	
16	2	REP	99	80
			(Eff. 6/30/84)	
16	3	REP	99	80
			(Eff. 6/30/84)	
16	4	REP	99	80
			(Eff. 6/30/84)	
22	3	REP	67	E1
			(Eff. 7/1/81)	

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LAWS 1951 (cont.)			LAWS 1979		LAWS 1951 (cont.)			LAWS 1979	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
22	4	REP	67	E1	18		8	REP	99
		(Eff. 7/1/81)					(Eff. 6/30/82)		51
22	7	REP	67	E1	18		9	REP	99
		(Eff. 7/1/81)					(Eff. 6/30/82)		51
31	2	AMD	154		6		10	REP	99
31	3	AMD	154		7		(Eff. 6/30/82)		51
32	34	AMD	151		171		11	REP	99
48	1	REP	99		53		(Eff. 6/30/82)		51
		(Eff. 6/30/82)					12	REP	99
68	2	AMD	126	E1	34		(Eff. 6/30/82)		51
106	4	AMD	52	E1	2		13	REP	99
114	3	AMD	126	E1	3		(Eff. 6/30/82)		51
117	7	AMD	228	E1	10		14	REP	99
117	8	AMD	211	E1	64		(Eff. 6/30/82)		51
117	10	REP	211	E1	68		15	REP	99
117	11	AMD	211	E1	65		(Eff. 6/30/82)		51
117	12	AMD	211	E1	66		16	REP	99
125	3	AMD	202	E1	1		(Eff. 6/30/82)		51
125	4	AMD	202	E1	2		17	REP	99
125	6	AMD	202	E1	3		(Eff. 6/30/82)		51
125	7	AMD	202	E1	4		18	REP	99
130	1	AMD	158		35		(Eff. 6/30/82)		51
168	2	AMD	141		32		20	REP	99
178	2	AMD	268	E1	2		(Eff. 6/30/82)		51
178	3	AMD	268	E1	1		21	REP	99
178	5	AMD	57	E1	8		(Eff. 6/30/82)		51
180	2	REP	99		78		22	REP	99
		(Eff. 6/30/84)					(Eff. 6/30/82)		51
180	4	REP	99		78		23	REP	99
		(Eff. 6/30/84)					(Eff. 6/30/82)		51
180	5	REP	99		78		24	REP	99
		(Eff. 6/30/84)					(Eff. 6/30/82)		51
180	5	AMD	242	E1	2		25	REP	99
180	6	REP	99		78		(Eff. 6/30/82)		51
		(Eff. 6/30/84)					26	REP	99
180	7	REP	99		78		(Eff. 6/30/82)		51
		(Eff. 6/30/84)					27	REP	99
180	7	AMD	242	E1	3		(Eff. 6/30/82)		51
180	8	REP	99		78		28	REP	99
		(Eff. 6/30/84)					(Eff. 6/30/82)		51
180	9	REP	99		78		29	REP	99
		(Eff. 6/30/84)					(Eff. 6/30/82)		51
183	1	REP	99		51		30	REP	99
		(Eff. 6/30/82)					(Eff. 6/30/82)		51
183	1	AMD	141		27		31	REP	99
183	2	REP	99		51		(Eff. 6/30/82)		51
		(Eff. 6/30/82)					32	REP	99
183	2	AMD	141		28		(Eff. 6/30/82)		51
183	3	REP	99		51		33	REP	99
		(Eff. 6/30/82)					(Eff. 6/30/82)		51
183	4	REP	99		51		34	REP	99
		(Eff. 6/30/82)					(Eff. 6/30/82)		51
183	5	REP	99		51		35	REP	99
		(Eff. 6/30/82)					(Eff. 6/30/82)		51
183	6	REP	99		51		36	REP	99
		(Eff. 6/30/82)					(Eff. 6/30/82)		51
183	7	REP	99		51		37	REP	99
		(Eff. 6/30/82)					(Eff. 6/30/82)		51

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Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.	
183	38	REP	99	51	160	6	REP	211 E1	68	
			(Eff. 6/30/82)		168	2	REP	99	78	
183	39	REP	99	51			(Eff. 6/30/84)			
			(Eff. 6/30/82)		168	3	REP	99	78	
183	40	REP	99	51			(Eff. 6/30/84)			
			(Eff. 6/30/82)		168	4	REP	99	78	
183	41	REP	99	51			(Eff. 6/30/84)			
			(Eff. 6/30/82)		169	1	AMD	141	143	
183	42	REP	99	51	169	2	AMD	141	144	
			(Eff. 6/30/82)		187	3	REP	67 E1	18	
183	43	REP	99	51			(Eff. 7/1/81)			
			(Eff. 6/30/82)		208	1	REP	59 E1	3	
183	44	REP	99	51	223	17	AMD	268 E1	3	
			(Eff. 6/30/82)		249	1	AMD	126	1	
183	45	REP	99	51	266	1	REP	30 E1	20	
			(Eff. 6/30/82)		267	4	AMD	143 E1	1	
183	46	REP	99	51	290	5	AMD	21	17	
			(Eff. 6/30/82)		290	13	AMD	21	19	
183	46	AMD	141	29	290	15	REP	21	44	
183	47	REP	99	51	290	26	REP	99	62	
			(Eff. 6/30/82)				(Eff. 6/30/82)			
183	47	AMD	141	30	290	27	REP	99	62	
183	48	REP	99	51			(Eff. 6/30/82)			
			(Eff. 6/30/82)		290	28	REP	99	62	
183	49	REP	99	51			(Eff. 6/30/82)			
			(Eff. 6/30/82)		290	29	REP	99	62	
183	49	AMD	141	31			(Eff. 6/30/82)			
183	50	REP	99	51	290	30	AMD	21	13	
			(Eff. 6/30/82)		290	30	REP	99	62	
183	51	REP	99	51			(Eff. 6/30/82)			
			(Eff. 6/30/82)		290	31	REP	99	62	
183	55	REP	99	51			(Eff. 6/30/82)			
			(Eff. 6/30/82)		290	32	AMD	21	5	
207	5	AMD	126 E1	36	290	32	REP	99	62	
							(Eff. 6/30/82)			
222	10	REEN	25	1						
222	12	REEN	25	2	290	33	REP	99	62	
222	13	REEN	25	3			(Eff. 6/30/82)			
231	1	REP	59 E1	3	290	34	REP	99	62	
							(Eff. 6/30/82)			
233	8	REP	67 E1	19						
233	9	AMD	67 E1	12	290	35	REP	99	62	
233	10	REP	67 E1	19			(Eff. 6/30/82)			
					290	36	REP	99	62	
							(Eff. 6/30/82)			
					290	37	REP	99	62	
							(Eff. 6/30/82)			
					290	38	REP	99	62	
							(Eff. 6/30/82)			
					290	39	AMD	21	6	
					290	39	REP	99	62	
							(Eff. 6/30/82)			
					290	40	AMD	21	10	
					290	40	REP	99	62	
							(Eff. 6/30/82)			
					290	41	REP	99	62	
							(Eff. 6/30/82)			
					290	42	AMD	21	7	
					290	42	REP	99	62	
							(Eff. 6/30/82)			

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Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.	
290	43	REP	99	62	36	77.12.280	AMD	151	176	
			(Eff. 6/30/82)		36	77.32.010	AMD	3 E1	1	
290	44	AMD	21	8	36	77.32.050	AMD	3 E1	2	
290	44	REP	99	62	36	77.32.060	AMD	3 E1	3	
			(Eff. 6/30/82)		52	2	REP	99	55	
290	45	AMD	21	9			(Eff. 6/30/82)			
290	45	REP	99	62	52	3	REP	99	55	
			(Eff. 6/30/82)				(Eff. 6/30/82)			
290	46	REP	99	62	65	7	AMD	30 E1	8	
			(Eff. 6/30/82)		122	5	AMD	113	14	
290	47	REP	99	62	133	7	AMD	147	1	
			(Eff. 6/30/82)		133	13	AMD	147	2	
290	48	REP	99	62	138	1	AMD	186 E1	14	
			(Eff. 6/30/82)		142	3	REP	8 E1	3	
290	49	REP	99	62	142	4	REP	8 E1	3	
			(Eff. 6/30/82)		142	5	REP	8 E1	3	
290	50	REP	99	62	142	6	REP	8 E1	3	
			(Eff. 6/30/82)		142	7	REP	8 E1	3	
290	51	REP	99	62	144	1	AMD	141	70	
			(Eff. 6/30/82)		144	3	REP	99	75	
290	52	REP	99	62			(Eff. 6/30/84)			
			(Eff. 6/30/82)		144	5	REP	99	75	
			(Eff. 6/30/82)				(Eff. 6/30/84)			
290	53	REP	99	62			(Eff. 6/30/84)			
			(Eff. 6/30/82)		144	6	REP	99	75	
							(Eff. 6/30/84)			
LAWS 1953 EX			LAWS 1979		144	8	AMD	141	71	
Ch.	Sec.	Action	Ch.	Sec.	144	9	AMD	141	72	
8	19	AMD	190 E1	13	144	10	AMD	141	73	
LAWS 1955			LAWS 1979		144	11	AMD	141	74	
Ch.	Sec.	Action	Ch.	Sec.	202	3	AMD	111 E1	1	
12	75.08.230	AMD	151	175	202	6	AMD	111 E1	2	
12	75.08.260	AMD	99 E1	1	202	10	AMD	158	59	
12	75.12.130	AMD	141	382	202	10	AMD	111 E1	3	
12	75.28.280	AMD	141 E1	3	202	13	AMD	111 E1	4	
12	75.28.300	AMD	66	1	202	15	AMD	111 E1	5	
12	75.28.320	REP	66	4	202	16	AMD	111 E1	8	
12	75.28.325	REP	66	4	202	17	AMD	111 E1	10	
12	75.28.330	REP	66	4	202	20	REP	111 E1	22	
12	75.28.360	REP	66	4	202	21	REP	111 E1	22	
12	75.28.370	AMD	66	2	202	22	REP	111 E1	22	
12	75.28.380	AMD	99 E1	2	202	23	AMD	111 E1	11	
12	75.32.030	AMD	203 E1	1	202	25	AMD	158	60	
12	75.98.040	AMD	66	3	202	25	AMD	111 E1	14	
13	32.08.050	AMD	57 E1	6	202	31	REP	111 E1	22	
13	32.08.150	AMD	51	1	202	36	AMD	158	53	
13	32.16.090	AMD	46	7	202	36	AMD	158	54	
15	25.08.250	AMD	22 E1	2	202	36	AMD	158	55	
33	30.04.210	AMD	142	1	202	36	AMD	158	55	
33	30.04.240	AMD	45	1	202	44	AMD	158	56	
33	30.12.080	AMD	106	3	213	4	AMD	151	7	
33	30.28.010	AMD	105	1	225	2	REP	32 E1	1	
33	30.36.020	AMD	106	5	236	3	AMD	38 E1	1	
36	77.12.170	AMD	56	1	263	7	AMD	157 E1	2	
36	77.12.180	REP	67 E1	18	267	1	AMD	141	106	
			(Eff. 7/1/81)		267	3	REP	99	75	
							(Eff. 6/30/84)			
					272	6	AMD	141	35	
					279	1	REP	67 E1	18	
							(Eff. 7/1/81)			

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Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.		
279	2	REP	67	E1	18	385	1	AMD	107	6	
		(Eff. 7/1/81)				390	12	AMD	240	E1	3
279	3	REP	67	E1	18	LAWS 1955 EX				LAWS 1979	
		(Eff. 7/1/81)				Ch.	Sec.	Action	Ch.	Sec.	
279	4	REP	67	E1	18	8	1	REP	34	E1	1
		(Eff. 7/1/81)				8	2	REP	34	E1	1
279	5	REP	67	E1	18	8	3	REP	34	E1	1
		(Eff. 7/1/81)				8	4	REP	34	E1	1
279	6	REP	67	E1	18	8	5	REP	34	E1	1
		(Eff. 7/1/81)				8	6	REP	34	E1	1
279	7	REP	67	E1	18	8	7	REP	34	E1	1
		(Eff. 7/1/81)				8	8	REP	34	E1	1
279	8	REP	67	E1	18	LAWS 1957				LAWS 1979	
		(Eff. 7/1/81)				Ch.	Sec.	Action	Ch.	Sec.	
282	1-15	REP	99		44	11	1	AMD	126	E1	41
		(Eff. 6/30/82)				37	14	AMD	127		7
284	4	AMD	86	E1	1	43	2	AMD	158		37
286	7	AMD	190	E1	15	47	3	REP	99		66
286	8	AMD	190	E1	16			(Eff. 6/30/84)			
291	3	AMD	165	E1	15	47	3	REP	99		67
291	4	REP	165	E1	23			(Eff. 6/30/84)			
291	5	REP	165	E1	23	51	15	REP	132	E1	10
291	6	AMD	165	E1	16	52	1	REP	99		80
291	7	REP	165	E1	23			(Eff. 6/30/84)			
291	8	REP	165	E1	23	52	3	REP	99		78
291	9	AMD	155		75			(Eff. 6/30/84)			
291	12	AMD	101	E1	1	52	5	REP	99		78
291	12	AMD	165	E1	19			(Eff. 6/30/84)			
291	13	REP	165	E1	23	52	6	REP	99		78
292	1	REP	59	E1	3			(Eff. 6/30/84)			
292	2	REP	59	E1	3	52	7	REP	99		78
292	3	REP	59	E1	3			(Eff. 6/30/84)			
292	4	REP	59	E1	3	52	8	REP	99		78
292	5	REP	59	E1	3			(Eff. 6/30/84)			
292	6	REP	59	E1	3	52	9	REP	99		78
292	7	REP	59	E1	3			(Eff. 6/30/84)			
292	8	REP	59	E1	3	52	10	REP	99		78
292	9	REP	59	E1	3			(Eff. 6/30/84)			
292	10	REP	59	E1	3	52	11	REP	99		78
292	11	REP	59	E1	3			(Eff. 6/30/84)			
292	12	REP	59	E1	3	52	11	AMD	242	E1	4
292	13	REP	59	E1	3			(Eff. 6/30/84)			
303	14	AMD	269	E1	5	52	12	REP	99		78
303	16	AMD	199	E1	8			(Eff. 6/30/84)			
303	23	AMD	199	E1	9	57	1	AMD	141		115
305	1	AMD	158		67	57	2	AMD	141		116
313	3	REP	99		78	57	3	AMD	141		117
		(Eff. 6/30/84)				57	4	AMD	141		118
313	4	REP	99		78	60	2	AMD	158		51
		(Eff. 6/30/84)				62	1	REP	67	E1	18
313	5	REP	99		78			(Eff. 7/1/81)			
		(Eff. 6/30/84)				62	2	REP	67	E1	18
313	6	REP	99		78			(Eff. 7/1/81)			
		(Eff. 6/30/84)				62	3	REP	67	E1	18
324	2	AMD	109	E1	21			(Eff. 7/1/81)			
325	1	REP	59	E1	3			(Eff. 7/1/81)			
357	3	AMD	30	E1	16			(Eff. 7/1/81)			
385		ADD	117	E1	1						

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62	4	REP	67	E1	18	259	1	AMD	255	E1	7
		(Eff. 7/1/81)				265	1	AMD	76		1
62	5	REP	67	E1	18	286	1	AMD	107		1
		(Eff. 7/1/81)				286	19	AMD	107		2
62	6	REP	67	E1	18	299	1	REP	67	E1	18
		(Eff. 7/1/81)						(Eff. 7/1/81)			
62	7	REP	67	E1	18	299	2	REP	67	E1	18
		(Eff. 7/1/81)						(Eff. 7/1/81)			
101	1	REP	99		80	299	3	REP	67	E1	18
		(Eff. 6/30/84)						(Eff. 7/1/81)			
101	2	REP	99		80	299	4	REP	67	E1	20
		(Eff. 6/30/84)						(Eff. 7/1/80)			
101	4	REP	99		80	299	5	REP	67	E1	18
		(Eff. 6/30/84)						(Eff. 7/1/81)			
101	5	REP	99		80	299	6	REP	67	E1	18
		(Eff. 6/30/84)						(Eff. 7/1/81)			
101	6	REP	99		80						
		(Eff. 6/30/84)									
101	7	REP	99		80						
		(Eff. 6/30/84)									
101	8	REP	99		80						
		(Eff. 6/30/84)									
101	9	REP	99		80						
		(Eff. 6/30/84)									
101	10	REP	99		80	18	4	AMD	126	E1	39
		(Eff. 6/30/84)				18	6	AMD	23		2
101	11	REP	99		80	25	71.02.390	AMD	67	E1	5
		(Eff. 6/30/84)				25	71.06.060	AMD	141		129
101	12	REP	99		80	25	71.06.140	AMD	141		131
		(Eff. 6/30/84)				25	71.06.260	AMD	141		132
101	13	REP	99		80	25	71.12.460	AMD	141		133
		(Eff. 6/30/84)				25	71.12.480	AMD	141		134
101	14	REP	99		80	25	71.12.500	AMD	141		136
		(Eff. 6/30/84)				25	71.12.520	AMD	141		137
	6	REP	8	E1	3	25	71.12.530	AMD	141		138
159	6	AMD	205	E1	3	25	71.12.540	AMD	141		139
160	2	AMD	154		14	25	71.12.640	AMD	141		140
171	5	AMD	99	E1	2	26	74.04.005	AMD	141		294
175	7	AMD	151		167	26	74.04.011	AMD	141		295
175	8	AMD	151		168	26	74.04.015	AMD	141		296
197	1	REP	99		75	26	74.04.017	AMD	141		297
		(Eff. 6/30/84)				26	74.04.055	AMD	141		298
197	2	REP	99		75	26	74.04.070	AMD	141		299
		(Eff. 6/30/84)				26	74.04.080	AMD	141		300
197	5	REP	99		75	26	74.04.120	AMD	141		301
		(Eff. 6/30/84)				26	74.04.200	AMD	141		302
208	2	AMD	151		53	26	74.04.265	AMD	141		303
227	3	AMD	147		6	26	74.04.270	AMD	141		304
227	4	AMD	29		2	26	74.04.290	AMD	141		305
227	4	AMD	147		7	26	74.04.290	AMD	171	E1	2
227	8	AMD	147		8	26	74.04.300	AMD	141		306
232	3	AMD	141		119	26	74.04.310	AMD	141		309
232	20	AMD	141		121	26	74.04.330	AMD	141		310
232	26	AMD	30	E1	12	26	74.04.340	AMD	141		311
246	4	AMD	151		51	26	74.08.055	AMD	141		323
246	6	AMD	151		52	26	74.08.070	AMD	141		324
253	2	AMD	141		25	26	74.08.070	AMD	92	E1	1
253	10	AMD	141		26	26	74.08.105	AMD	141		325

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Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
26	74.08.120	AMD	141	326	28	72.05.010	AMD	141	177
26	74.08.278	AMD	141	327	28	72.05.010	AMD	217 E1	7
26	74.08.280	AMD	141	328	28	72.05.020	AMD	141	178
26	74.08.335	AMD	141	330	28	72.05.130	AMD	141	179
26	74.08.338	AMD	141	331	28	72.05.130	AMD	217 E1	8
26	74.08.375	REP	67 E1	18	28	72.05.140	AMD	141	180
		(Eff. 7/1/81)			28	72.05.140	AMD	217 E1	9
26	74.09.010	AMD	141	333	28	72.05.150	AMD	141	181
26	74.09.030	AMD	141	334	28	72.05.150	AMD	67 E1	6
26	74.09.040	REP	141	386	28	72.05.160	AMD	141	182
26	74.09.050	AMD	141	335	28	72.05.300	AMD	141	183
26	74.09.060	REP	141	386	28	72.05.310	AMD	141	184
26	74.09.070	AMD	141	336	28	72.06.060	AMD	141	185
26	74.09.080	AMD	141	338	28	72.08.020	AMD	141	186
26	74.09.110	AMD	141	339	28	72.08.045	AMD	141	187
26	74.09.130	REP	141	386	28	72.08.070	REP	67 E1	18
26	74.09.160	AMD	81 E1	1		(Eff. 7/1/81)			
26	74.09.170	AMD	141	340	28	72.08.120	AMD	141	190
26	74.09.170	REP	141	386	28	72.08.130	AMD	141	191
26	74.09.180	AMD	171 E1	14	28	72.08.380	AMD	141	192
26	74.09.190	AMD	141	342	28	72.12.020	AMD	141	193
26	74.10.010	AMD	141	346	28	72.12.050	AMD	141	194
26	74.10.030	AMD	141	347	28	72.12.070	AMD	141	195
26	74.10.070	AMD	141	348	28	72.12.090	AMD	141	196
26	74.12.010	AMD	141	350	28	72.12.100	AMD	141	197
26	74.16.030	REP	99	81	28	72.12.140	AMD	141	198
		(Eff. 6/30/84)			28	72.16.070	REP	217 E1	15
26	74.16.040	REP	99	81	28	72.20.020	AMD	141	228
		(Eff. 6/30/84)			28	72.20.040	AMD	141	229
26	74.16.170	REP	99	81	28	72.20.040	AMD	217 E1	10
		(Eff. 6/30/84)			28	72.20.060	AMD	141	230
26	74.16.190	REP	99	81	28	72.20.080	AMD	141	231
		(Eff. 6/30/84)			28	72.20.080	REP	217 E1	15
26	74.16.300	REP	99	81	28	72.20.090	AMD	141	232
		(Eff. 6/30/84)			28	72.23.050	AMD	135 E1	5
28	72.01.010	AMD	141	142	28	72.33.040	AMD	217 E1	12
28	72.01.050	AMD	141	145	28	72.33.050	AMD	217 E1	13
28	72.01.060	AMD	141	146	28	72.36.050	AMD	65	1
28	72.01.100	AMD	141	147	28	72.40.020	AMD	141	247
28	72.01.120	AMD	141	148	28	72.40.050	AMD	141	249
28	72.01.140	AMD	141	149	28	72.40.070	AMD	141	250
28	72.01.150	AMD	141	150	28	72.56.010	AMD	141	251
28	72.01.160	AMD	141	151	28	72.56.040	AMD	141	252
28	72.01.160	REP	67 E1	18	28	72.56.050	AMD	141	253
		(Eff. 7/1/81)			28	72.60.010	AMD	141	254
28	72.01.170	REP	141	386	28	72.60.020	AMD	141	255
28	72.01.180	AMD	141	152	28	72.60.030	AMD	141	256
28	72.01.190	AMD	141	153	28	72.60.040	AMD	141	257
28	72.01.200	AMD	217 E1	6	28	72.60.090	AMD	141	258
28	72.01.210	AMD	141	154	28	72.60.130	AMD	141	259
28	72.01.240	AMD	141	155	28	72.60.130	AMD	160 E1	2
28	72.01.260	AMD	151	156	28	72.60.160	AMD	141	260
28	72.01.270	AMD	141	157	28	72.60.190	AMD	160 E1	4
28	72.01.280	AMD	141	158	28	72.60.200	AMD	141	261
28	72.01.290	AMD	141	160	28	72.64.010	AMD	141	265
28	72.01.300	AMD	141	161	28	72.64.020	AMD	141	266
28	72.01.310	AMD	141	162	28	72.64.030	AMD	141	267
28	72.01.320	AMD	141	163	28	72.64.050	AMD	141	268

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Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.		
28	72.64.060	AMD	141	269	200	1	AMD	158	70		
28	72.64.070	AMD	141	270	200	2	REP	99	60		
28	72.64.080	AMD	141	271			(Eff. 6/30/82)				
28	72.68.010	AMD	141	282	200	3	REP	99	60		
28	72.68.020	AMD	141	283			(Eff. 6/30/82)				
28	72.68.040	AMD	141	284	200	4	REP	99	60		
28	72.68.060	AMD	141	285			(Eff. 6/30/82)				
28	72.68.070	AMD	141	286	200	5	REP	99	60		
28	72.68.090	AMD	141	288			(Eff. 6/30/82)				
28	72.68.100	AMD	141	289	200	6	REP	99	60		
39	1	AMD	141	228			(Eff. 6/30/82)				
39	2	AMD	141	229	200	7	REP	99	60		
39	3	AMD	141	158			(Eff. 6/30/82)				
40	1	AMD	141	164	200	8	REP	99	60		
40	2	AMD	141	165			(Eff. 6/30/82)				
54	1	AMD	154	17	210	1	AMD	141	159		
54	29	AMD	154	18	212	11	AMD	18	4		
68	1	AMD	127	4	214	1	AMD	141	199		
84	2	REP	99	80	214	4	AMD	141	200		
		(Eff. 6/30/84)			214	5	AMD	141	201		
84	3	REP	99	80	214	6	AMD	141	202		
		(Eff. 6/30/84)			214	7	AMD	141	203		
84	3	AMD	158	11	214	8	AMD	141	204		
84	4	REP	99	80	214	10	AMD	141	205		
		(Eff. 6/30/84)			214	12	AMD	141	206		
84	5	REP	99	80	214	14	AMD	141	207		
		(Eff. 6/30/84)			214	15	AMD	141	208		
84	6	REP	99	80	214	16	AMD	141	209		
		(Eff. 6/30/84)			214	17	AMD	141	210		
84	7	REP	99	80	220	4	AMD	158	88		
		(Eff. 6/30/84)			224	1	AMD	141	135		
92	3	AMD	31	E1	1	234	15	AMD	158	90	
107	3	AMD	91	E1	1	237	1	AMD	179	E1	5
107	4	AMD	91	E1	2	237	6	AMD	179	E1	6
110	1	AMD	117		11	245	1	AMD	3	E1	1
139	1	AMD	115	E1	1	251	1	AMD	141		194
139	3	AMD	115	E1	2	252	2	AMD	141		96
139	4	AMD	115	E1	3	252	3	AMD	141		97
139	6	AMD	115	E1	4	252	6	AMD	141		99
139	37	AMD	115	E1	5	252	8	AMD	141		101
139	45	AMD	141		33	252	9	AMD	141		102
140	1	AMD	141		166	252	10	AMD	141		103
147	1	REP	59	E1	3	257	14	AMD	109	E1	5
149	1	REP	128	E1	4	257	27	AMD	109	E1	8
149	2	REP	128	E1	4	257	30	REP	109	E1	23
153	1	AMD	109	E1	18	257	31	REP	109	E1	23
161	1	AMD	154		15	257	33	REP	109	E1	23
172	1	AMD	107		2	266	5	AMD	190	E1	9
177	2	AMD	141		110	272	3	REP	59	E1	3
177	3	AMD	141		111	273	1	AMD	141		263
177	5	AMD	141		112	273	2	AMD	141		262
177	6	REP	99		75	273	3	AMD	141		264
		(Eff. 6/30/84)				273	4	AMD	151		173
185	1	AMD	124		1	273	5	AMD	160	E1	5
200	1	REP	99		60	277	1	AMD	141		216
		(Eff. 6/30/82)				277	4	AMD	141		217
						277	5	AMD	141		218
						277	6	AMD	141		219

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277	7	AMD	141	220	305	6	REP	99	53
277	8	AMD	141	221			(Eff. 6/30/82)		
280	6	AMD	113	9	305	7	REP	99	53
282	4	AMD	68	E1	2		(Eff. 6/30/82)		
282	5	AMD	68	E1	3	306	1	AMD	50
282	7	AMD	68	E1	4	306	2	REP	50
282	8	AMD	68	E1	5	309	6	AMD	141 E1
282	9	AMD	68	E1	6	322	2	AMD	141
282	11	AMD	68	E1	7	322	2	AMD	171 E1
282	12	AMD	68	E1	8	322	7	AMD	141
282	13	AMD	68	E1	9	322	17	AMD	141
282	18	AMD	68	E1	11	324	2	REP	99
282	20	AMD	68	E1	12		(Eff. 6/30/84)		
282	21	AMD	68	E1	13	324	3	REP	99
282	23	AMD	68	E1	14		(Eff. 6/30/84)		
282	25	AMD	68	E1	15	324	4	REP	99
282	28	AMD	68	E1	17		(Eff. 6/30/84)		
282	29	AMD	68	E1	18	324	5	REP	99
282	30	AMD	68	E1	19		(Eff. 6/30/84)		
282	31	REEN	8	1	324	6	REP	99	78
282	32	AMD	68	E1	21		(Eff. 6/30/84)		
282	33	AMD	68	E1	23	324	7	REP	99
282	34	AMD	68	E1	24		(Eff. 6/30/84)		
282	34	REEN	68	E1	24	324	8	REP	99
282	37	AMD	68	E1	25		(Eff. 6/30/84)		
282	38	AMD	68	E1	26	324	9	REP	99
282	39	AMD	68	E1	27		(Eff. 6/30/84)		
282	40	AMD	68	E1	28	331	1	AMD	147
282	41	AMD	68	E1	29	331	4	AMD	147
282	43	AMD	68	E1	30	331	7	AMD	147
282	44	AMD	68	E1	32	331	8	AMD	147
282	45	AMD	158	86	332	1	AMD	67 E1	10
282	45	AMD	68	E1	33				
282	47	AMD	68	E1	34				
282	48	AMD	68	E1	35				
282	50	AMD	68	E1	36				
282	52	AMD	68	E1	37				
282	53	AMD	68	E1	38				
282	56	AMD	68	E1	39				
282	58	AMD	68	E1	40				
282	60	AMD	130	3					
282	60	AMD	68	E1	1				
282	64	AMD	68	E1	44				
287	2	AMD	141	290					
287	4	AMD	141	291	11	15.24.090	AMD	20	1
287	5	AMD	141	292	11	15.36.130	AMD	147	21
287	6	AMD	141	293	11	15.36.425	AMD	147	22
289	2	REP	85	E1	10	11	15.36.550	AMD	147
289	3	REP	85	E1	10	11	15.36.560	AMD	141
289	4	REP	85	E1	10	11	15.38.010	AMD	154
305	1	REP	99	53	11	11	15.44.010	AMD	238 E1
		(Eff. 6/30/82)			11	11	15.44.020	AMD	238 E1
305	2	REP	99	53	11	11	15.44.050	AMD	238 E1
		(Eff. 6/30/82)			11	11	15.44.060	AMD	238 E1
305	4	REP	99	53	11	11	15.44.090	AMD	238 E1
		(Eff. 6/30/82)			11	11	15.44.120	REP	238 E1
305	5	REP	99	53	11	11	15.66.150	AMD	93 E1
		(Eff. 6/30/82)			12	12	46.04.090	AMD	61

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10	1	AMD	255	E1

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Ch.	Sec.	Action	Ch.	Sec.
1		ADD	46	E1
1	15	AMD	151	57
1	16	AMD	151	58
1	27	AMD	151	61
11	15.24.090	AMD	20	1
11	15.36.130	AMD	147	21
11	15.36.425	AMD	147	22
11	15.36.550	AMD	147	23
11	15.36.560	AMD	141	24
11	15.38.010	AMD	154	21
11	15.44.010	AMD	238	E1
11	15.44.020	AMD	238	E1
11	15.44.050	AMD	238	E1
11	15.44.060	AMD	238	E1
11	15.44.090	AMD	238	E1
11	15.44.120	REP	238	E1
11	15.66.150	AMD	93	E1
12	46.04.090	AMD	61	1

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Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.
12	46.04.190	AMD	111	13	12	46.52.110	AMD	178	E1	11	
12	46.04.330	AMD	213	E1	2	12	46.52.120	AMD	136	E1	83
12	46.04.480	AMD	62	7	12	46.56.030	AMD	136	E1	86	
12	46.04.530	AMD	149	E1	1	12	46.56.100	AMD	136	E1	89
12	46.04.670	AMD	213	E1	4	12	46.64.015	AMD	28	E1	2
12	46.04.680	REP	158	245	12	46.64.030	AMD	28	E1	3	
12	46.08.090	AMD	158	121	12	46.64.050	AMD	136	E1	92	
12	46.08.100	AMD	158	122	12	46.68.010	AMD	120		1	
12	46.08.110	AMD	158	125	12	46.68.090	AMD	158		184	
12	46.08.140	AMD	158	120	12	46.68.110	AMD	151		161	
12	46.08.170	AMD	136	E1	40	12	46.68.120	AMD	158		185
12	46.12.010	AMD	158	132	12	46.72.010	AMD	111		14	
12	46.12.080	AMD	113	E1	1	12	46.72.020	AMD	158		188
12	46.12.090	REP	113	E1	6	12	46.76.020	AMD	158		189
12	46.12.170	AMD	113	E1	2	12	46.76.080	AMD	136	E1	95
12	46.12.200	AMD	158	134	12	46.80.020	AMD	158		192	
12	46.16.090	AMD	136	E1	45	12	46.80.030	AMD	158		193
12	46.16.135	AMD	134	1	12	46.80.090	AMD	158		194	
12	46.16.135	AMD	136	E1	46	12	46.82.010	AMD	158		197
12	46.16.137	REP	134	4	12	46.82.010	REP	51	E1	16	
12	46.16.138	REP	134	4	12	46.82.020	REP	51	E1	16	
12	46.16.140	AMD	136	E1	47	12	46.82.030	REP	51	E1	16
12	46.16.145	AMD	136	E1	48	12	46.82.040	REP	51	E1	16
12	46.16.200	AMD	113	E1	3	12	46.82.050	REP	51	E1	16
12	46.16.350	AMD	136	E1	49	12	46.82.060	AMD	158		198
12	46.20.070	AMD	61	4	12	46.82.060	REP	51	E1	16	
12	46.20.100	AMD	158	146	12	46.82.070	REP	51	E1	16	
12	46.20.102	AMD	61	5	12	46.82.080	REP	51	E1	16	
12	46.20.120	AMD	61	6	12	46.82.090	REP	51	E1	16	
12	46.20.190	AMD	136	E1	56	12	46.82.110	REP	51	E1	16
12	46.20.270	AMD	61	7	12	46.82.120	REP	51	E1	16	
12	46.20.270	AMD	136	E1	58	12	46.82.130	REP	51	E1	16
12	46.20.300	AMD	158	150	12	46.82.140	AMD	158		199	
12	46.20.380	AMD	61	12	12	46.82.140	REP	51	E1	16	
12	46.32.010	AMD	158	156	12	46.82.150	REP	51	E1	16	
12	46.32.010	AMD	136	E1	67	12	46.82.160	REP	51	E1	16
12	46.32.050	AMD	136	E1	68	12	46.82.170	REP	51	E1	16
12	46.37.010	AMD	136	E1	69	12	46.82.180	REP	51	E1	16
12	46.37.188	AMD	136	E1	70	12	46.82.190	REP	51	E1	16
12	46.37.340	REEN	11	1	12	46.82.200	REP	51	E1	16	
12	46.37.430	AMD	158	157	12	46.82.210	REP	51	E1	16	
12	46.44.030	AMD	113	E1	4	12	46.82.220	REP	51	E1	16
12	46.44.037	AMD	149	E1	3	12	46.82.230	REP	51	E1	16
12	46.44.047	AMD	136	E1	74	12	46.82.240	REP	51	E1	16
12	46.44.050	AMD	213	E1	7	12	46.82.250	REP	51	E1	16
12	46.44.095	AMD	158	159	12	46.82.260	REP	51	E1	16	
12	46.48.050	AMD	136	E1	87	12	46.82.270	REP	51	E1	16
12	46.48.060	AMD	136	E1	88	12	46.83.060	AMD	136	E1	98
12	46.52.010	AMD	136	E1	79	13	47.04.040	AMD	30	E1	7
12	46.52.030	REEN	11	2	13	47.08.120	AMD	39		1	
12	46.52.060	AMD	158	161	13	47.24.010	AMD	86	E1	2	
12	46.52.080	AMD	158	162	13	47.28.050	AMD	69	E1	1	
12	46.52.100	AMD	158	163	13	47.56.020	REP	57	E1	11	
12	46.52.100	AMD	136	E1	81	13	47.56.220	AMD	131		8
12	46.52.100	AMD	176	E1	4	13	47.56.220	AMD	212	E1	19
12	46.52.110	AMD	158	166	13	47.60.070	REP	67	E1	18	
12	46.52.110	AMD	136	E1	82						(Eff. 7/1/81)

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13	47.60.130	AMD	189	E1	6	15	83.16.020	AMD	209	E1	9
13	47.60.180	REP	67	E1	18	15	83.16.080	AMD	107		14
		(Eff. 7/1/81)				15	83.16.080	AMD	209	E1	10
13	47.60.190	REP	67	E1	18	15	83.20.010	AMD	209	E1	40
		(Eff. 7/1/81)				15	83.28.030	AMD	107		16
13	47.64.040	AMD	73	E1	1	15	83.28.060	AMD	107		17
14	80.24.050	AMD	198	E1	1	15	83.28.070	AMD	107		18
14	81.24.080	AMD	198	E1	2	15	83.32.050	AMD	107		21
14	81.68.010	AMD	111		16	15	83.40.040	AMD	209	E1	38
14	81.68.080	AMD	136	E1	106	15	83.44.010	AMD	209	E1	22
14	81.80.040	AMD	6	E1	1	15	83.44.020	REP	209	E1	54
15		ADD	266	E1	3,4	15	83.44.080	AMD	209	E1	21
15	82.02.010	AMD	107		9	15	83.44.110	AMD	107		24
15	82.02.020	AMD	196	E1	3	15	83.56.005	REP	210	E1	23
15	82.04.240	AMD	196	E1	1	15	83.56.010	REP	210	E1	23
15	82.04.260	AMD	196	E1	2	15	83.56.020	REP	210	E1	23
15	82.04.300	AMD	196	E1	4	15	83.56.030	REP	210	E1	23
15	82.04.430	AMD	196	E1	5	15	83.56.040	REP	210	E1	23
15	82.08.030	AMD	2		1	15	83.56.050	REP	210	E1	23
15	82.08.030	AMD	12		1	15	83.56.060	REP	210	E1	23
15	82.08.030	REEN	12		1	15	83.56.070	REP	210	E1	23
15	82.12.030	AMD	2		2	15	83.56.080	REP	210	E1	23
15	82.12.030	AMD	12		2	15	83.56.090	REP	210	E1	23
15	82.12.030	REEN	12		2	15	83.56.100	REP	210	E1	23
15	82.12.045	AMD	158		222	15	83.56.110	REP	210	E1	23
15	82.32.030	AMD	95	E1	1	15	83.56.120	REP	210	E1	23
15	82.32.060	AMD	95	E1	4	15	83.56.130	REP	210	E1	23
15	82.32.130	AMD	95	E1	2	15	83.56.150	REP	210	E1	23
15	82.32.340	AMD	151		184	15	83.56.160	REP	210	E1	23
15	82.32.340	AMD	95	E1	3	15	83.56.170	REP	210	E1	23
15	82.36.010	AMD	158		223	15	83.56.180	REP	210	E1	23
15	82.36.440	AMD	179	E1	5	15	83.56.190	REP	210	E1	23
15	82.44.010	AMD	107		10	15	83.56.200	REP	210	E1	23
15	82.44.020	AMD	158		230	15	83.56.210	REP	210	E1	23
15	82.44.040	AMD	158		231	15	83.56.220	REP	210	E1	23
15	82.44.060	AMD	158		233	15	83.56.230	REP	210	E1	23
15	82.44.070	AMD	158		234	15	83.56.240	REP	210	E1	23
15	82.44.110	AMD	158		235	15	83.56.250	REP	210	E1	23
15	82.44.120	AMD	120		2	15	83.56.270	REP	210	E1	23
15	82.44.140	AMD	158		237	15	83.56.280	REP	210	E1	23
15	82.44.160	REP	99		74	15	83.56.290	REP	210	E1	23
		(Eff. 6/30/84)				15	83.56.300	REP	210	E1	23
15	84.48.010	REEN	13		1	15	83.56.310	REP	210	E1	23
15	82.48.010	AMD	158		239	15	83.56.320	REP	210	E1	23
15	82.48.020	AMD	158		240	15	83.56.900	REP	210	E1	23
15	84.48.110	AMD	151		185	15	84.04.110	REP	107		27
15	82.50.010	AMD	107		11	15	84.48.080	AMD	86	E1	3
15	83.01.010	AMD	107		13	15	84.48.110	AMD	86	E1	4
15	83.04.030	AMD	209	E1	4	15	84.48.120	AMD	86	E1	5
15	83.04.050	REP	209	E1	54	15	84.56.280	AMD	86	E1	7
15	83.04.080	AMD	209	E1	6	15	84.56.290	AMD	86	E1	8
15	83.05.020	AMD	209	E1	7	23	51.12.020	AMD	128		1
15	83.05.050	AMD	209	E1	20	23	51.32.080	AMD	104		1
15	83.08.020	REP	209	E1	54	30		1	REP	99	75
15	83.08.030	REP	209	E1	54				(Eff. 6/30/84)		
15	83.08.040	REP	209	E1	54	30		2	REP	99	75
15	83.08.050	AMD	209	E1	8				(Eff. 6/30/84)		
15	83.16.010	AMD	209	E1	37						

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LAWS 1961 (cont.)			LAWS 1979			LAWS 1961 (cont.)			LAWS 1979		
Ch.	Sec.	Action	Ch.	Sec.		Ch.	Sec.	Action	Ch.	Sec.	
37	4	AMD	68	E1	11	280	4	AMD	143		1
37	10	AMD	68	E1	10	283	2	AMD	141		88
38	1	AMD	136	E1	103	283	3	AMD	141		89
73	4	AMD	54		3	283	4	AMD	141		90
73	10	AMD	109	E1	20	283	5	AMD	141		91
96	4	AMD	69		1	283	6	AMD	141		92
107	3	AMD	111		15	284	2	AMD	158		52
112	1	AMD	141		313	292	2	AMD	209	E1	1
114	2	AMD	37	E1	2	292	3	AMD	209	E1	2
114	3	AMD	37	E1	3	292	9	AMD	209	E1	4
115	1	REP	99		74	292	11	AMD	107		14
			(Eff. 6/30/84)			292	13	AMD	107		15
128	1	AMD	7	E1	1	292	15	AMD	107		19
128	1	AMD	26	E1	1	292	16	AMD	107		20
128	1	AMD	27	E1	1	292	19	AMD	209	E1	41
128	1	AMD	136	E1	50	292	20	AMD	107		22
128	2	AMD	27	E1	2	292	21	AMD	107		23
133	1	AMD	21		13	292	22	AMD	107		24
133	1	REP	99		62	299	1	AMD	151		1
			(Eff. 6/30/82)			299	9	AMD	136	E1	15
151	1	AMD	136	E1	90	299	32	AMD	136	E1	16
171	1	AMD	141		267	299	51	AMD	136	E1	17
171	2	AMD	141		268	299	52	AMD	136	E1	18
171	3	AMD	141		269	299	77	AMD	136	E1	19
171	4	AMD	141		272	299	100	AMD	255	E1	8
171	5	AMD	141		273	299	101	AMD	255	E1	9
171	5	AMD	147		1	299	112	AMD	136	E1	20
174	1	REP	34	E1	1	299	113	AMD	102		3
174	2	REP	34	E1	1	302	5	AMD	155		44
183	1	AMD	141		222						
183	4	AMD	141		223						
188	6	AMD	141		122						
188	8	AMD	141		123						
193	1	AMD	141		167						
194	2	REP	130	E1	5						
207	3	AMD	141		125						
214	2	REP	51	E1	16						
214	3	REP	51	E1	16						
214	4	REP	51	E1	16						
229	111	AMD	129	E1	1						
249	2	AMD	92		1						
249	3	AMD	92		2						
249	20	AMD	92		3						
256	7	AMD	154		4						
256	49	AMD	154		5						
257	1	REP	189	E1	7						
257	3	AMD	189	E1	4						
257	6	AMD	189	E1	5						
259	1	AMD	136	E1	91						
268	4	AMD	4	E1	1						
269	2	AMD	141		315						
269	3	AMD	141		316						
269	4	AMD	141		317						
269	5	AMD	141		318						
269	6	AMD	141		319						
276	2	AMD	83		1						
276	3	AMD	83		2						
278	1	REP	57	E1	11						

LAWS 1961 EX			LAWS 1979		
Ch.	Sec.	Action	Ch.	Sec.	
5	5	AMD	52	E1	3
5	13	AMD	162	E1	1
21	27	AMD	136	E1	84

LAWS 1963			LAWS 1979		
Ch.	Sec.	Action	Ch.	Sec.	
4	36.13.030	AMD	151		37
4	36.16.020	AMD	126	E1	26
4	36.29.020	AMD	57		1
4	36.32.030	AMD	126	E1	27
4	36.32.120	AMD	136	E1	35
4	36.38.020	AMD	151		38
4	36.39.040	AMD	141		43
4	36.48.090	AMD	227	E1	1
4	36.62.020	REP	99		75
			(Eff. 6/30/84)		
4	36.62.200	AMD	17	E1	1
4	36.68.080	AMD	136	E1	36
4	36.69.070	AMD	126	E1	28
4	36.69.080	AMD	126	E1	29
4	36.69.090	AMD	126	E1	30
4	36.69.180	AMD	136	E1	37
4	36.70.350	AMD	170	E1	10
4	36.70.560	AMD	170	E1	11
4	36.82.080	AMD	30	E1	4

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LAWS 1963 (cont.)			LAWS 1979		LAWS 1963 (cont.)			LAWS 1979	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
12	1	AMD	67	E1 13	124	55	AMD	238	E1 22
20	4	AMD	151	177	124	59	AMD	238	E1 23
20	5	AMD	151	178	139	1(Uncod)	AMD	19	1
20	7	AMD	151	180	142	2	AMD	117	16
20	8	AMD	151	181	154	28	AMD	213	E1 3
20	12	AMD	151	182	158	2	AMD	136	E1 40
20	14	AMD	151	183	159	3	AMD	151	3
25	5	AMD	158	48	159	4	AMD	151	4
25	7	AMD	158	49	159	8	AMD	144	E1 1
25	14	AMD	158	50	159	9	AMD	144	E1 2
38	1	AMD	90	5	159	10	AMD	151	5
38	8	REP	90	20	159	10	AMD	144	E1 3
38	10	AMD	90	13	159	11	AMD	151	6
38	12	AMD	90	16	165	1	AMD	141	222
38	15	AMD	90	14	165	3	AMD	141	224
38	19	AMD	90	3	165	4	AMD	141	225
39	2	AMD	158	195	165	5	AMD	141	226
39	3	AMD	158	196	165	7	AMD	141	227
50	2	AMD	132	1	169	5	AMD	136	E1 63
55	1	AMD	30	E1 11	169	7	AMD	78	1
59	7	AMD	6	E1 1	169	9	AMD	158	155
77	1	REP	99	84	169	28	AMD	136	E1 64
			(Eff. 6/30/84)		169	30	AMD	136	E1 65
77	2	REP	99	84	169	38	REP	78	2
			(Eff. 6/30/84)		169	39	AMD	61	14
77	3	REP	99	84	169	60	AMD	136	E1 66
			(Eff. 6/30/84)		173	2	REP	122	E1 9
77	4	REP	99	84	173	3	AMD	122	E1 2
			(Eff. 6/30/84)		173	4	AMD	122	E1 4
77	5	REP	99	84	173	7	AMD	122	E1 7
			(Eff. 6/30/84)		188	1	AMD	54	E1 2
77	6	REP	99	84	195	16	AMD	199	E1 4
			(Eff. 6/30/84)		200	17	AMD	126	E1 38
77	7	REP	99	84	200	18	AMD	126	E1 30
			(Eff. 6/30/84)		204	7	AMD	151	160
77	8	REP	99	84	206	1	AMD	141	364
			(Eff. 6/30/84)		206	5	AMD	141	366
77	10	REP	99	84	206	7	AMD	141	367
			(Eff. 6/30/84)		206	11	AMD	141	368
77	10	AMD	116	E1 1	206	12	AMD	141	369
77	11	REP	99	84	206	13	AMD	141	370
			(Eff. 6/30/84)		206	15	AMD	171	E1 1
97	1	REP	30	E1 20	219	1	AMD	141	313
97	2	REP	30	E1 20	219	2	AMD	141	314
106	14	AMD	134	2	221	5	AMD	141	383
106	19	AMD	149	E1 4	226	1	AMD	141	354
106	25	AMD	136	E1 99	228	2	AMD	141	296
111	1	AMD	141	69	228	4	AMD	141	298
120	2	AMD	158	154	228	5	AMD	141	310
124	1	AMD	238	E1 12	228	6	AMD	141	315
124	4	AMD	238	E1 13	228	7	AMD	141	316
124	5	AMD	238	E1 14	228	8	AMD	141	317
124	13	AMD	238	E1 16	228	9	AMD	141	318
124	15	AMD	238	E1 17	228	10	AMD	141	319
124	21	AMD	238	E1 18	228	14	AMD	141	320
124	29	AMD	238	E1 19	228	15	AMD	141	321
124	30	AMD	238	E1 20	228	17	AMD	141	332
124	38	AMD	238	E1 21	228	22	AMD	141	351

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LAWS 1963 (cont.)			LAWS 1979			LAWS 1965 (cont.)			LAWS 1979		
Ch.	Sec.	Action	Ch.	Sec.		Ch.	Sec.	Action	Ch.	Sec.	
228	25	AMD	141		352	7	35.82.020	AMD	187	E1	1
228	26	AMD	141		353	7	35.82.030	AMD	187	E1	2
230	3	AMD	128	E1	1	7	35.82.090	AMD	187	E1	3
246	7	AMD	113		6	7	35.88.080	AMD	141		40
						7	35.88.090	AMD	141		41
						8	43.01.050	AMD	151		80
						8	43.01.090	AMD	151		81
						8	43.03.010	AMD	255	E1	1
						8	43.03.050	AMD	151		83
						8	43.03.060	AMD	151		84
						8	43.06.010	AMD	53	E1	4
						8	43.08.060	AMD	151		89
						8	43.08.110	AMD	151		90
						8	43.09.050	REEN	151		91
						8	43.09.050	AMD	151		91
						8	43.09.260	AMD	71		1
						8	43.09.280	AMD	71		2
						8	43.09.340	AMD	151		93
						8	43.19.1902	AMD	151		97
						8	43.19.1904	AMD	88		2
						8	43.19.1906	AMD	14	E1	1
						8	43.19.1917	AMD	88		3
						8	43.19.1921	AMD	151		100
						8	43.19.450	AMD	141		45
						8	43.20.010	AMD	141		46
						8	43.20.030	REP	99		75
								(Eff. 6/30/84)			
						8	43.20.040	AMD	141		48
						8	43.20.050	REP	99		75
								(Eff. 6/30/84)			
						8	43.20.050	AMD	141		49
						8	43.20.060	AMD	141		50
						8	43.20.070	AMD	141		51
						8	43.20.090	AMD	52	E1	1
						8	43.20.100	REP	99		75
								(Eff. 6/30/84)			
						8	43.20.120	REP	141		386
						8	43.20.130	AMD	141		52
						8	43.20.140	REP	99		75
								(Eff. 6/30/84)			
						8	43.20.140	AMD	141		58
						8	43.24.010	AMD	158		94
						8	43.24.020	AMD	158		95
						8	43.24.040	AMD	158		97
						8	43.24.060	AMD	158		98
						8	43.24.080	AMD	158		99
						8	43.24.110	AMD	158		101
						8	43.24.120	AMD	158		102
						8	43.24.130	AMD	158		103
						8	43.30.010	AMD	107		4
						8	43.30.040	AMD	57	E1	9
						8	43.30.100	REP	32	E1	1
						8	43.30.120	AMD	107		5
						8	43.30.240	AMD	151		108
						8	43.31.600	REP	67	E1	18
								(Eff. 7/1/81)			
						8	43.31.610	REP	67	E1	18
								(Eff. 7/1/81)			

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LAWS 1965 (cont.)			LAWS 1979			LAWS 1965 (cont.)			LAWS 1979			
Ch.	Sec.	Action	Ch.	Sec.		Ch.	Sec.	Action	Ch.	Sec.		
8	43.34.010	AMD	57	E1	10	8	43.82.090	AMD	67	E1	4	
8	43.43.310	AMD	205	E1	8	8	43.84.080	AMD	154	E1	1	
8	43.51.040	REEN	10		4	8	43.88.020	AMD	151		135	
8	43.61.050	REP	59	E1	3	8	43.88.090	AMD	151		137	
8	43.61.060	AMD	59	E1	1	8	43.88.110	AMD	151		138	
8	43.62.010	AMD	151		127	8	43.88.160	AMD	151		139	
8	43.62.020	AMD	151		128	9		ADD	96		1	
8	43.62.030	AMD	151		129	9	29.13.021	AMD	126	E1	10	
8	43.62.040	AMD	151		130	9	29.13.023	AMD	126	E1	11	
8	43.62.050	AMD	151		131	9	29.13.024	AMD	126	E1	12	
8	43.74.005	REP	99		46	9	29.13.025	AMD	126	E1	13	
		(Eff. 6/30/82)				9	29.13.050	AMD	126	E1	14	
8	43.74.005	AMD	158		106	9	29.13.060	AMD	126	E1	15	
8	43.74.005	REP	114	E1	1	9	29.13.060	AMD	183	E1	11	
8	43.74.010	REP	99		46	9	29.21.210	AMD	183	E1	9	
		(Eff. 6/30/82)				9	29.33.030	REP	99		85	
8	43.74.010	REP	114	E1	1			(Eff. 6/30/82)				
8	43.74.015	REP	99		46	9	29.33.040	REP	99		85	
		(Eff. 6/30/82)						(Eff. 6/30/82)				
8	43.74.015	REP	114	E1	1	9	29.33.050	REP	99		85	
8	43.74.020	REP	99		46			(Eff. 6/30/82)				
		(Eff. 6/30/82)				9	29.33.060	REP	99		85	
8	43.74.020	REP	114	E1	1			(Eff. 6/30/82)				
8	43.74.025	REP	99		46	9	29.33.070	REP	99		85	
		(Eff. 6/30/82)						(Eff. 6/30/82)				
8	43.74.025	REP	114	E1	1	9	29.33.080	REP	99		85	
8	43.74.030	REP	99		46			(Eff. 6/30/82)				
		(Eff. 6/30/82)				9	29.33.090	REP	99		85	
8	43.74.035	REP	99		46			(Eff. 6/30/82)				
		(Eff. 6/30/82)				9	29.33.100	REP	99		85	
8	43.74.035	REP	114	E1	1			(Eff. 6/30/82)				
8	43.74.040	REP	99		46	9	29.80.030	AMD	57	E1	4	
		(Eff. 6/30/82)				9	29.81.090	AMD	57	E1	5	
8	43.74.040	REP	114	E1	1	13		7	AMD	215	E1	2
8	43.74.050	REP	99		46	17		5	AMD	68	E1	28
		(Eff. 6/30/82)				25		4	AMD	63		3
8	43.74.050	REP	114	E1	1	30		3	AMD	155		76
8	43.74.060	REP	99		46	31		1	REP	99		68
		(Eff. 6/30/82)							(Eff. 6/30/84)			
8	43.74.060	AMD	158		107	31		2	REP	99		68
8	43.74.060	REP	114	E1	1				(Eff. 6/30/84)			
8	43.74.065	REP	99		46	33		1	AMD	205	E1	2
		(Eff. 6/30/82)				53		3	AMD	16		1
8	43.74.065	REP	114	E1	1	53		4	AMD	16		2
8	43.74.075	REP	99		46	53		5	AMD	16		3
		(Eff. 6/30/82)				53		8	AMD	16		5
8	43.74.075	REP	114	E1	1	53		9	AMD	16		6
8	43.74.080	REP	99		46	53		13	AMD	16		7
		(Eff. 6/30/82)				53		15	AMD	16		8
8	43.74.080	REP	114	E1	1	53		18	AMD	16		9
8	43.74.090	REP	99		46	53		22	AMD	16		10
		(Eff. 6/30/82)				53		23	AMD	16		11
8	43.74.090	REP	114	E1	1	53		26	AMD	16		12
8	43.74.900	REP	99		46	53		28	AMD	16		13
		(Eff. 6/30/82)				53		31	AMD	16		15
8	43.74.900	REP	114	E1	1	53		32	AMD	16		16
8	43.78.070	AMD	151		134	53		33	AMD	16		17
8	43.79.330	AMD	67	E1	3	53		38	AMD	16		19

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Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
53	41	AMD	16	20	140	2	AMD	106	2
53	42	AMD	16	21	140	4	AMD	106	4
53	44	AMD	16	22	140	5	AMD	106	3
53	45	AMD	16	23	145	11.08.101	AMD	147	10
53	48	AMD	16	24	145	11.08.120	AMD	147	11
53	50	AMD	16	25	145	11.08.210	AMD	209 E1	19
53	53	AMD	16	26	145	11.92.040	AMD	32	2
53	55	AMD	16	27	150	18	AMD	136 E1	107
53	57	AMD	16	28	153	1	AMD	158	42
53	58	REP	16	60	153	5	AMD	70	1
53	59	AMD	16	29	156	2	AMD	158	114
53	61	AMD	16	30	156	4	AMD	158	115
53	63	AMD	16	31	156	5	AMD	158	116
53	65	AMD	16	32	156	7	AMD	158	118
53	66	REP	16	60	156	9	AMD	158	119
53	67	AMD	16	34	156	11	AMD	158	120
53	75	AMD	16	36	156	19	AMD	158	123
53	76	AMD	16	37	157	9-403	AMD	158	212
53	77	AMD	16	38					
53	78	AMD	16	39					
53	79	AMD	16	40					
53	80	AMD	16	41					
53	81	AMD	16	42					
53	82	AMD	16	43					
53	83	AMD	16	44					
53	84	AMD	16	45					
53	109	AMD	16	46					
53	111	AMD	16	47					
53	112	AMD	16	48					
53	113	AMD	16	49					
53	114	AMD	16	50					
53	117	AMD	16	54					
53	122	AMD	16	55					
53	130	AMD	16	56					
53	136	AMD	133 E1	1					
53	144	REP	16	60					
53	145	REP	16	60					
53	146	REP	16	60					
53	147	REP	16	60					
53	156	REP	16	60					
53	165	AMD	16	59					
67	1	AMD	158	225					
70	1	AMD	158	67					
75	1	REP	141	386					
75	2	REP	141	386					
75	3	REP	141	386					
75	4	REP	141	386					
88	2	AMD	141	125					
95	1	AMD	102	3					
96	1	AMD	102	2					
100	1	AMD	158	94					
100	2	AMD	158	95					
100	4	AMD	158	99					
123	6	AMD	126 E1	14					
128	1	REP	99	81					
			(Eff. 6/30/84)						
137	2	AMD	113 E1	5					
140	1	AMD	106	1					

LAWS 1965 EX					LAWS 1979				
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
3	2	REP	99	78					
		(Eff. 6/30/84)							
3	3	REP	99	78					
		(Eff. 6/30/84)							
3	4	REP	99	78					
		(Eff. 6/30/84)							
3	5	REP	99	78					
		(Eff. 6/30/84)							
3	6	REP	99	78					
		(Eff. 6/30/84)							
3	7	REP	99	78					
		(Eff. 6/30/84)							
3	8	REP	99	78					
		(Eff. 6/30/84)							
3	9	REP	99	78					
		(Eff. 6/30/84)							
3	10	REP	99	78					
		(Eff. 6/30/84)							
3	11	REP	99	78					
		(Eff. 6/30/84)							
3	12	REP	99	78					
		(Eff. 6/30/84)							
3	13	REP	99	78					
		(Eff. 6/30/84)							
3	14	REP	99	78					
		(Eff. 6/30/84)							
3	15	REP	99	78					
		(Eff. 6/30/84)							
3	16	REP	99	78					
		(Eff. 6/30/84)							
3	17	REP	99	78					
		(Eff. 6/30/84)							
8	1	REP	209 E1	54					
9	3	AMD	141	188					
9	4	AMD	141	189					
26	2	AMD	141	233					

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<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>	<u>Ch.</u>	<u>Sec.</u>
26	7	AMD	141	234	150	6	REP	265	E1	4	4
28	1	AMD	66	1	150	7	REP	265	E1	4	4
31	6	AMD	91	1	155	2	REP	136	E1	109	
31	7	AMD	154	2	155	59	AMD	136	E1	85	
34	1	AMD	141	329	155	62	AMD	176	E1	6	
35	1	AMD	141	303	155	64	AMD	178	E1	20	
47	6	AMD	151	27	155	65	AMD	178	E1	21	
62	1	REP	99	66	155	79	AMD	136	E1	92	
			(Eff. 6/30/84)		157	9-302	AMD	158		210	
62	2	REP	99	66	157	9-401	AMD	158		211	
			(Eff. 6/30/84)		157	9-404	AMD	158		213	
62	3	REP	99	66	157	9-405	AMD	158		214	
			(Eff. 6/30/84)		157	9-406	AMD	158		215	
62	4	REP	99	66	170	42	AMD	158		96	
			(Eff. 6/30/84)		170	44	AMD	158		124	
62	5	REP	99	66	170	44	AMD	136	E1	39	
			(Eff. 6/30/84)		170	47	AMD	158		152	
67	1	REP	210	E1	23	170	48	REP	51	E1	16
69	1	REP	34	E1	1	172	2	REP	67	E1	18
69	2	REP	34	E1	1				(Eff. 7/1/81)		
69	3	REP	34	E1	1	172	6	REP	67	E1	18
69	4	REP	34	E1	1				(Eff. 7/1/81)		
70	2	REP	130	E1	5						
81	3	AMD	45	E1	3						
91	1	AMD	141	307							
91	2	AMD	141	308	<u>LAWS 1967</u>	<u>LAWS 1979</u>					
107	1	REP	99	55	<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>		
			(Eff. 6/30/82)		13	24	AMD	267	E1	1	
107	2	REP	99	55	17	1	AMD	141		274	
			(Eff. 6/30/82)		17	2	AMD	141		275	
107	3	REP	99	55	17	2	AMD	160	E1	1	
			(Eff. 6/30/82)		17	3	AMD	141		276	
107	4	REP	99	55	17	4	AMD	141		277	
			(Eff. 6/30/82)		17	5	AMD	141		278	
116	12	AMD	136	E1	29	8	AMD	141		279	
116	13	AMD	136	E1	30	10	AMD	141		280	
116	17	AMD	136	E1	31	11	AMD	141		281	
116	18	AMD	136	E1	32	1	AMD	141		167	
119	5	AMD	34	1	32	1	AMD	141		51	
120	11	AMD	151	42	32	2	REP	158		245	
121	2	AMD	136	E1	32	3	AMD	158		125	
121	3	AMD	75	1	32	11	AMD	158		134	
121	5	AMD	61	2	32	17	REP	134		4	
121	5	AMD	136	E1	32	24	AMD	136	E1	49	
121	7	AMD	61	3	32	29	AMD	158		150	
121	7	AMD	63	1	32	31	AMD	61		12	
121	8	AMD	63	2	32	36	AMD	158		154	
121	15	AMD	136	E1	32	39	AMD	136	E1	65	
121	19	AMD	136	E1	32	48	AMD	158		156	
121	21	AMD	136	E1	32	60	AMD	158		163	
121	23	AMD	158	175	32	67	AMD	136	E1	85	
121	27	AMD	136	E1	32	69	AMD	136	E1	86	
121	29	AMD	61	10	32	71	AMD	158		175	
121	35	AMD	61	11	32	73	AMD	120		1	
121	36	AMD	136	E1	32	80	AMD	158		188	
130	9	AMD	151	155	32	91	AMD	158		189	
137	2	AMD	147	18	32	106	AMD	158		197	
143	1	AMD	141	124	32	106	REP	51	E1	16	
					32	107	AMD	158		198	

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Ch.	Sec.	Action	Ch.	E1	Sec.	Ch.	Sec.	Action	Ch.	E1	Sec.
32	107	REP	51	E1	16	79	3	AMD	158		64
32	108	REP	51	E1	16	82	3	AMD	141		113
32	109	REP	51	E1	16	82	4	AMD	141		114
32	110	REP	51	E1	16	82	5	REP	99		75
32	111	REP	51	E1	16			(Eff. 6/30/84)			
32	112	REP	51	E1	16	92	1	AMD	135	E1	1
32	117	AMD	158		117	104	2	AMD	141		129
39	1	AMD	135	E1	2	104	3	AMD	141		130
46	1	AMD	141		168	104	6	AMD	141		131
49	7	AMD	113		10	114	12	AMD	158		216
49	8	AMD	113		11	119	35A.63.062	AMD	170	E1	7
54	6	REP	99		75	119	35A.79.010	AMD	30	E1	3
		(Eff. 6/30/84)				121	3	AMD	158		237
58	1	AMD	141		154	125	2	AMD	107		12
59	1	REP	99		81	126	1	REP	99		84
		(Eff. 6/30/84)						(Eff. 6/30/84)			
59	2	REP	99		81	126	2	REP	99		84
		(Eff. 6/30/84)						(Eff. 6/30/84)			
60	1	AMD	141		284	126	4	REP	99		84
60	3	AMD	141		285			(Eff. 6/30/84)			
60	4	AMD	141		286	126	5	REP	99		84
70	3	REP	99		84			(Eff. 6/30/84)			
		(Eff. 6/30/84)				126	6	REP	99		84
72	1	AMD	30	E1	6			(Eff. 6/30/84)			
74	1	REP	99		63	134	7	AMD	141		173
		(Eff. 6/30/84)				134	9	AMD	141		174
74	2	REP	99		63	134	10	AMD	141		175
		(Eff. 6/30/84)				134	11	AMD	141		176
74	3	REP	99		63	134	13	AMD	147		5
		(Eff. 6/30/84)				134	14	AMD	147		9
74	4	REP	99		63	134	15	AMD	147		6
		(Eff. 6/30/84)				134	17	AMD	147		8
74	5	REP	99		63	141	1	AMD	141		237
		(Eff. 6/30/84)				141	3	AMD	141		238
74	6	REP	99		63	141	5	AMD	141		239
		(Eff. 6/30/84)				141	7	AMD	141		240
74	7	REP	99		63	141	8	AMD	141		241
		(Eff. 6/30/84)				141	9	AMD	141		242
74	7	AMD	151		132	141	12	AMD	141		243
74	8	REP	99		63	150	20	AMD	269	E1	2
		(Eff. 6/30/84)				150	21	AMD	138		1
74	9	REP	99		63	163	4	AMD	109	E1	2
		(Eff. 6/30/84)				167	2	AMD	61		5
74	10	REP	99		63	167	9	AMD	61		8
		(Eff. 6/30/84)				167	10	AMD	61		9
74	11	REP	99		63	171	3	AMD	111	E1	17
		(Eff. 6/30/84)				171	4	AMD	158		20
74	12	REP	99		49	171	4	AMD	111	E1	18
		(Eff. 6/30/82)				171	5	AMD	158		21
74	13	REP	99		63	171	7	AMD	158		22
		(Eff. 6/30/84)				171	7	AMD	111	E1	20
74	14	REP	99		63	171	19	AMD	158		23
		(Eff. 6/30/84)				171	21	AMD	158		24
74	16	REP	99		63	171	21	AMD	111	E1	19
		(Eff. 6/30/84)				171	22	AMD	158		25
78	1	REP	99		81	171	23	AMD	158		26
		(Eff. 6/30/84)				171	24	AMD	158		27
						171	29	AMD	158		28

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Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Ch.	Sec.	
171	30	AMD	158	29	201	15	AMD	156	8
172	2	AMD	155	83	201	16	REP/RESCINDED		
172	3	AMD	141	355			156	12	
172	4	AMD	141	356	201	17	AMD	156	9
172	5	AMD	141	357	201	18	REP/RESCINDED		
172	7	AMD	141	358			156	12	
172	8	AMD	141	359	201	19	REP/RESCINDED		
172	10	AMD	141	360			156	12	
172	12	AMD	141	361	201	20	REP/RESCINDED		
172	13	AMD	141	362			156	12	
172	14	AMD	141	363	201	21	REP/RESCINDED		
172	17	AMD	155	77			156	12	
172	17	AMD	165	E1 22	201	22	REP/RESCINDED		
175	2	AMD	147	12			156	12	
176	1	AMD	16	18	201	23	REP/RESCINDED		
177	18	AMD	92	5			156	12	
188	1	REP	99	80	201	24	REP/RESCINDED		
			(Eff. 6/30/84)				156	12	
188	5	REP	99	60	202	3	AMD	158	139
			(Eff. 6/30/82)		202	4	AMD	158	141
188	6	REP	99	46	202	7	AMD	158	142
			(Eff. 6/30/82)		206	1	AMD	185	E1 2
188	6	REP	114	E1 1	212	1	AMD	151	80
189	2	AMD	30	E1 5	216	2	AMD	53	1
189	9	AMD	5	E1 12	223	2	REP	99	80
189	15	AMD	5	E1 13			(Eff. 6/30/84)		
189	17	AMD	142	E1 1	223	3	REP	99	80
189	18	AMD	142	E1 2			(Eff. 6/30/84)		
190	5	REP	16	60	223	4	REP	99	80
190	6	AMD	16	47			(Eff. 6/30/84)		
199	3	AMD	130	14	223	5	REP	99	80
199	3	AMD	68	E1 22			(Eff. 6/30/84)		
200	7	AMD	29	1	223	6	REP	99	80
201	1	AMD	156	1			(Eff. 6/30/84)		
201	2	REP/RESCINDED			223	8	REP	99	80
			156	12			(Eff. 6/30/84)		
201	3	REP/RESCINDED			223	9	REP	99	80
			156	12			(Eff. 6/30/84)		
201	4	REP/RESCINDED			223	10	REP	99	80
			156	12			(Eff. 6/30/84)		
201	5	REP/RESCINDED			223	11	REP	99	80
			156	12			(Eff. 6/30/84)		
201	6	AMD	156	3	223	12	REP	99	80
201	7	REP/RESCINDED					(Eff. 6/30/84)		
			156	12	223	13	REP	99	80
201	8	AMD	156	4			(Eff. 6/30/84)		
201	9	REP/RESCINDED			223	14	REP	99	80
			156	12			(Eff. 6/30/84)		
201	10	AMD	156	5	223	15	REP	99	80
201	11	AMD	156	6			(Eff. 6/30/84)		
201	12	REP/RESCINDED			223	16	REP	99	80
			156	12			(Eff. 6/30/84)		
201	13	REP/RESCINDED			223	17	REP	99	80
			156	12			(Eff. 6/30/84)		
201	14	REP/RESCINDED			223	18	REP	99	80
			156	12			(Eff. 6/30/84)		
					223	19	REP	99	80
							(Eff. 6/30/84)		

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Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
223	20	REP	99	80	30	5	AMD	141	344
			(Eff. 6/30/84)		30	6	AMD	141	345
223	21	REP	99	80	41	4	AMD	151	141
			(Eff. 6/30/84)		42	1	AMD	151	1
223	22	REP	99	80	47	3	AMD	94 E1	1
			(Eff. 6/30/84)		47	4	AMD	94 E1	2
228	1	AMD	123 E1	1	47	5	AMD	94 E1	3
232	1	AMD	213 E1	6	47	6	AMD	94 E1	4
233	16	AMD	216 E1	5	47	7	AMD	94 E1	5
233	20	AMD	216 E1	6	47	8	AMD	94 E1	6
235	83	AMD	133 E1	2	47	9	AMD	94 E1	7
236	5	AMD	222 E1	1	47	10	REP	94 E1	16
236	6	AMD	222 E1	2	47	11	AMD	94 E1	12
236	9	AMD	222 E1	3	47	12	AMD	94 E1	13
236	10	AMD	222 E1	4	47	13	AMD	94 E1	14
236	14	AMD	222 E1	5	50	2	AMD	31 E1	1
236	16	AMD	196 E1	3	51	10	AMD	141	79
237	19	REP	34 E1	1	51	12	AMD	141	80
238	4	AMD	141	120	51	13	AMD	141	81
238	32	AMD	141	121	51	14	AMD	141	82
238	45	AMD	141	122	51	15	AMD	141	83
238	50	AMD	30 E1	13	51	16	REP	99	75
238	59	AMD	141	123				(Eff. 6/30/84)	
239	3	AMD	36	1	51	18	AMD	141	84
240	27	AMD	20	1	60	1	AMD	141	349
240	34	AMD	154	17	62	2	REP	99	61
								(Eff. 6/30/82)	
					62	3	REP	99	61
								(Eff. 6/30/82)	
					62	4	REP	99	61
								(Eff. 6/30/82)	
					62	5	REP	99	61
								(Eff. 6/30/82)	
					62	6	REP	99	61
								(Eff. 6/30/82)	
3	1	AMD	158	155	62	2	AMD	158	205
3	3	AMD	61	14	68	3	REEN	11	3
9	1	AMD	158	239	74	6	AMD	158	187
9	8	AMD	158	206	74	13	AMD	251 E1	1
10	1	AMD	158	229	74	1	AMD	151	166
16	2	AMD	151	86	75	3	AMD	109 E1	3
16	6	AMD	151	87	78	14	AMD	5	1
16	8	AMD	71 E1	1	83	24	AMD	122 E1	8
16	10	AMD	71 E1	2	83	25	AMD	161	162
16	12	AMD	151	88	83	45	AMD	5	3
18	4	AMD	141	235	83	46	AMD	5	4
18	4	AMD	217 E1	11	83	47	AMD	5	5
18	5	AMD	141	236	83	48	AMD	5	6
22	24	AMD	154	3	83	49	AMD	5	7
25	2	AMD	151	69	83	51	AMD	5	10
25	4	AMD	151	70	83	52	AMD	5	11
25	5	AMD	151	71	83	1	AMD	54 E1	1
25	8	AMD	151	72	89	4	AMD	151	184
26	2	AMD	107	1	94	3	AMD	158	200
26	14	AMD	107	9	94	4	AMD	158	201
26	15	AMD	107	13	102	1	AMD	141	46
26	16	REP	107	27	102	2	AMD	141	47
26	19	REP	107	27	102	3	AMD	141	53
26	21	AMD	158	88					
26	27	AMD	107	6					
26	48	AMD	209 E1	50					
30	2	AMD	141	337					
30	3	AMD	141	343					

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<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>
102	4	AMD	141	54	119	35A.12.040	AMD	18 E1	21
102	5	AMD	141	55	119	35A.12.100	AMD	18 E1	22
102	6	AMD	141	56	119	35A.12.110	AMD	18 E1	23
102	7	AMD	141	57	119	35A.13.010	AMD	151	34
102	8	AMD	141	48	119	35A.13.010	AMD	18 E1	24
102	9	REP	99	75	119	35A.13.040	AMD	18 E1	25
			(Eff. 6/30/84)		119	35A.13.170	AMD	18 E1	26
102	9	AMD	141	49	119	35A.14.015	AMD	124 E1	1
102	10	AMD	141	50	119	35A.14.020	AMD	124 E1	2
102	11	REP	99	75	119	35A.14.030	AMD	124 E1	3
			(Eff. 6/30/84)		119	35A.14.070	AMD	124 E1	4
102	12	REP	99	75	119	35A.14.080	AMD	124 E1	5
			(Eff. 6/30/84)		119	35A.14.090	AMD	124 E1	6
102	14	AMD	141	59	119	35A.14.100	AMD	124 E1	7
104	6	REP	88	4	119	35A.14.120	AMD	124 E1	8
104	6	AMD	151	99	119	35A.14.150	AMD	124 E1	9
109	13	REP	99	85	119	35A.14.220	AMD	18 E1	27
			(Eff. 6/30/82)		119	35A.14.700	AMD	151	35
109	14	REP	99	85	119	35A.14.700	AMD	18 E1	28
			(Eff. 6/30/82)		119	35A.20.040	AMD	136 E1	33
109	15	REP	99	85	119	35A.20.080	AMD	136 E1	34
			(Eff. 6/30/82)		119	35A.29.090	AMD	18 E1	29
109	16	REP	99	85	119	35A.29.090	AMD	126 E1	25
			(Eff. 6/30/82)		119	35A.29.110	AMD	18 E1	30
109	17	REP	99	85	119	35A.29.120	AMD	18 E1	31
			(Eff. 6/30/82)		119	35A.44.010	AMD	151	36
109	18	REP	99	85	119	35A.44.010	AMD	18 E1	32
			(Eff. 6/30/82)		119	35A.56.010	AMD	30 E1	2
109	19	REP	99	85	119	35A.63.020	AMD	18 E1	33
			(Eff. 6/30/82)		119	35A.63.100	AMD	170 E1	8
109	20	REP	99	85	119	35A.63.110	AMD	18 E1	34
			(Eff. 6/30/82)		119	35A.70.070	AMD	141	42
111	21	AMD	145 E1	1	120	6	AMD	154	18
119		ADD	18 E1	1	121	6	AMD	154	19
119		ADD	18 E1	8	122	1	AMD	141	211
119	35A.02.010	AMD	18 E1	2	122	4	AMD	141	212
119	35A.02.020	AMD	18 E1	3	122	5	AMD	141	213
119	35A.02.025	AMD	18 E1	4	122	7	AMD	141	214
119	35A.02.030	AMD	18 E1	5	122	9	AMD	141	215
119	35A.02.040	AMD	18 E1	6	122	11	AMD	141	289
119	35A.02.050	AMD	18 E1	7	122	12	AMD	141	287
119	35A.02.110	AMD	18 E1	9	126	7	REP	99	61
119	35A.03.010	AMD	18 E1	10			(Eff. 6/30/82)		
119	35A.04.020	AMD	18 E1	11	127	5	AMD	141	126
119	35A.04.070	AMD	18 E1	12	127	7	AMD	141	127
119	35A.04.080	AMD	151	29	127	9	AMD	141	128
119	35A.04.080	AMD	18 E1	13	133	1	AMD	218 E1	1
119	35A.04.160	AMD	151	30	134	4	AMD	151	153
119	35A.05.120	AMD	151	31	135	3	AMD	141	69
119	35A.06.030	AMD	18 E1	14	141	1	REP/RESCINDED		
119	35A.06.050	AMD	18 E1	15			156		12
119	35A.06.060	AMD	18 E1	16	141	2	AMD	156	4
119	35A.06.080	REP	18 E1	35	145	31	AMD	136 E1	102
119	35A.08.020	AMD	151	32	145	50	AMD	158	153
119	35A.11.040	AMD	18 E1	17	145	51	AMD	158	148
119	35A.12.010	AMD	151	33	147	1	REP	99	77
119	35A.12.010	AMD	18 E1	19			(Eff. 6/30/84)		
119	35A.12.030	AMD	18 E1	20					

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LAWS 1967 EX (cont.)			LAWS 1979		LAWS 1969 (cont.)			LAWS 1979	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
147	2	REP	99	77	58		1 AMD	158	60
			(Eff. 6/30/84)		58		1 AMD	111 E1	14
147	3	REP	99	77	59		1 AMD	151	68
			(Eff. 6/30/84)		59		2 AMD	151	69
147	3	AMD	158	105	59		3 AMD	151	70
147	4	REP	99	77	59		4 AMD	151	71
			(Eff. 6/30/84)		59		5 AMD	151	54
147	6	REP	99	77	60		9 AMD	151	79
			(Eff. 6/30/84)		61		1 AMD	141	141
147	7	REP	99	77	63		33 AMD	154	1
			(Eff. 6/30/84)		73		1 AMD	209 E1	21
147	8	REP	99	77	80		4 AMD	37	1
			(Eff. 6/30/84)		90		1 AMD	60	1
147	9	REP	99	77	98		1 AMD	141	176
			(Eff. 6/30/84)		98		2 AMD	141	2
147	10	REP	99	77	98		3 AMD	141	3
			(Eff. 6/30/84)		98		6 AMD	141	4
147	11	REP	99	77	104		5 AMD	157	2
			(Eff. 6/30/84)		106		3 AMD	240 E1	2
147	12	REP	99	77	107		5 AMD	113	7
			(Eff. 6/30/84)		108		1 REP	99	74
147	13	REP	99	77			(Eff. 6/30/84)		
			(Eff. 6/30/84)		108		2 REP	99	74
147	14	REP	99	77			(Eff. 6/30/84)		
			(Eff. 6/30/84)		109		1 AMD	141	279
148	2	REP	67 E1	18	115		4 AMD	127	1
			(Eff. 7/1/81)		116		2 AMD	126 E1	22
148	6	REP	67 E1	18	118		9 AMD	157 E1	2
			(Eff. 7/1/81)		125		2 REP	99	72
149	27	AMD	158	240			(Eff. 6/30/84)		
149	43	AMD	193 E1	1	131		9 AMD	183 E1	6
150	5	AMD	151	159	131		10 AMD	183 E1	7

LAWS 1969			LAWS 1979		LAWS 1969 EX			LAWS 1979	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
1	1	AMD	158	151	10		1 AMD	158	222
1	1	AMD	136 E1	59	16		2 AMD	141	382
1	1	AMD	176 E1	3	25		1 REP	99	75
1	3	AMD	176 E1	5			(Eff. 6/30/84)		
1	4	AMD	158	145	36		ADD	46 E1	1
3	2	AMD	255 E1	2	36		10 AMD	151	15
14	2	AMD	141	372	36		11 AMD	151	16
14	5	AMD	141	373	36		20 AMD	151	18
14	7	AMD	141	374	39		2 REP	122 E1	9
14	10	AMD	141	375	40		1 AMD	136 E1	63
14	11	AMD	141	376	42		2 AMD	158	170
15	3	AMD	141	377	42		2 AMD	178 E1	16
15	5	AMD	143	378	42		3 AMD	178 E1	7
15	8	AMD	141	379	42		4 AMD	178 E1	9
15	12	AMD	141	380	42		5 AMD	158	165
15	13	AMD	141	381	42		5 AMD	178 E1	10
27	2	AMD	74 E1	1	42		6 AMD	158	166
27	2	AMD	136 E1	62	42		7 AMD	158	167
29	1	AMD	29	2	42		7 AMD	178 E1	12
29	1	AMD	141	7	42		8 AMD	158	168
32	3	AMD	88	1	42		8 AMD	178 E1	13
47	2	AMD	158	31	42		9 AMD	158	169

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LAWS 1969 EX (cont.)				LAWS 1979		LAWS 1969 EX (cont.)				LAWS 1979		
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	
42	9	AMD	178	E1	14			165		5	AMD 151	9
42	10	AMD	178	E1	15			165		6	AMD 147	16
42	11	AMD	158		171			166		1	AMD 141	244
42	11	AMD	178	E1	17			166		2	AMD 141	245
42	12	AMD	158		172			166		3	AMD 141	246
46	1	AMD	109	E1	9			167		4	AMD 127	8
46	2	AMD	141		171			167		5	AMD 127	9
53	1	REP	99		63			167		6	AMD 127	10
			(Eff. 6/30/84)					167		7	AMD 127	11
53	1	AMD	151		133			168		2	AMD 141	119
58	1	AMD	16		3			168		31	AMD 30 E1	12
58	2	AMD	16		4			168		36	AMD 30 E1	13
60	3	AMD	151		74			168		52	AMD 30 E1	14
60	4	AMD	151		75			170		11	AMD 113 E1	3
60	5	AMD	151		76			172		1	AMD 141	324
60	7	AMD	151		77			172		1	AMD 92 E1	1
60	8	AMD	151		78			172		4	AMD 141	322
61	1	AMD	151		45			173		1	AMD 141	294
61	2	AMD	151		46			173		2	AMD 141	305
61	3	AMD	151		47			173		4	AMD 141	295
82	1	AMD	90		4			173		7	AMD 141	332
83	1	AMD	16		6			173		9	AMD 141	341
90	1	AMD	158		3			173		11	AMD 141	344
92	4	AMD	16		57			173		16	AMD 171 E1	13
94	2	AMD	31		4			184		4	REP 99	72
97	3	AMD	97	E1	1						(Eff. 6/30/84)	
99	1	REP	99		62			187		1	REP 67 E1	18
			(Eff. 6/30/82)								(Eff. 7/1/81)	
99	2	REP	99		62			188		1	REP 265 E1	4
			(Eff. 6/30/82)					198		1	AMD 28 E1	1
99	3	REP	99		62			199		37	AMD 198 E1	1
			(Eff. 6/30/82)					209		3	AMD 249 E1	2
99	4	REP	99		62			209		4	AMD 45 E1	1
			(Eff. 6/30/82)					209		23	AMD 205 E1	4
99	5	AMD	21		11			218		8	AMD 61	3
99	5	REP	99		62			218		8	AMD 63	1
			(Eff. 6/30/82)					218		9	AMD 61	4
105	1	REP	99		77			221		3	AMD 102	1
			(Eff. 6/30/84)					221		6	AMD 255 E1	5
113	17	AMD	117		1			222		8	AMD 235 E1	1
113	20	AMD	118		3			223			ADD 4	1-6
113	23	AMD	118		2			223			ADD 43	1-3
114	2	AMD	141		75			223			ADD 58	2
114	3	AMD	141		76			223			ADD 80	1-3
114	4	AMD	141		77			223			ADD 82	2
114	5	AMD	141		78			223			ADD 95	1-6
117	1	REP	131		9			223			ADD 149	1-7
120	91	AMD	133	E1	3			223			ADD 19 E1	1
125	2	AMD	158		135			223			ADD 78 E1	1-3
147	7	AMD	136	E1	25			223			ADD 118 E1	1-12
153	4	AMD	158		89			223			ADD 183 E1	10
155	5	AMD	158		149			223			ADD 217 E1	1-5
158	3	AMD	158		73			223			ADD 250 E1	8
160	1	AMD	136	E1	38			223			ADD 262 E1	1,2,4
163	6	AMD	133	E1	2			223			ADD 266 E1	1
165	2	AMD	147		13			223	28A.04.120	AMD 173	E1	1
165	3	AMD	147		14			223	28A.10.080	AMD 151		11
165	4	AMD	147		15			223	28A.27.070	AMD 201	E1	5

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LAWS 1969 EX (cont.)			LAWS 1979			LAWS 1969 EX (cont.)			LAWS 1979		
Ch.	Sec.	Action	Ch.	E1	Sec.	Ch.	Sec.	Action	Ch.	E1	Sec.
223	28A.27.100	AMD	201	E1	6	223	28B.30.370	REP	52		1
223	28A.27.110	AMD	201	E1	7	223	28B.30.375	REP	52		1
223	28A.30.040	AMD	20	E1	1	223	28B.30.380	REP	52		1
223	28A.41.170	AMD	250	E1	6	223	28B.40.100	AMD	103	E1	5
223	28A.45.090	AMD	266	E1	2	223	28B.50.090	AMD	151		20
223	28A.47.090	AMD	141		36	223	28B.50.100	AMD	103	E1	1
223	28A.47.150	REP	67	E1	18	223	28B.50.330	AMD	12	E1	2
		(Eff. 7/1/81)				227	4	AMD	158		2
223	28A.47.160	REP	67	E1	18	228	2	AMD	158		82
		(Eff. 7/1/81)				231	1	REP	99		75
223	28A.47.425	REP	67	E1	18			(Eff. 6/30/84)			
		(Eff. 7/1/81)				233	3	AMD	31		3
223	28A.47.430	REP	67	E1	18	239	1	AMD	151		109
		(Eff. 7/1/81)				239	2	AMD	151		110
223	28A.47.690	AMD	141		37	239	3	AMD	151		111
223	28A.47.744	AMD	141		38	239	4	AMD	151		112
223	28A.51.070	AMD	257	E1	1	239	6	AMD	151		113
223	28A.57.312	AMD	126	E1	4	239	7	AMD	151		56
223	28A.57.312	AMD	183	E1	1	239	8	AMD	151		114
223	28A.57.342	AMD	183	E1	2	239	10	AMD	151		136
223	28A.57.344	AMD	183	E1	3	239	11	REEN	10		3
223	28A.58.045	AMD	16	E1	1	239	13	AMD	151		120
223	28A.58.101	AMD	173	E1	2	239	14	AMD	151		121
223	28A.58.103	AMD	134	E1	2	239	15	AMD	151		122
223	28A.58.107	AMD	66	E1	2	239	16	AMD	151		123
223	28A.58.136	AMD	58		1	241	9	AMD	233	E1	2
223	28A.58.136	AMD	140	E1	3	241	19	AMD	199	E1	6
223	28A.58.190	AMD	250	E1	4	241	20	AMD	199	E1	7
223	28A.58.225	AMD	140	E1	1	244	8	AMD	141		39
223	28A.61.010	REP	99		72	244	14	AMD	151		12
		(Eff. 6/30/84)				244	14	AMD	250	E1	3
223	28A.61.020	REP	99		72	248	1	AMD	151		140
		(Eff. 6/30/84)				253	1	AMD	141	E1	1
223	28A.61.030	REP	99		72	253	3	AMD	141	E1	3
		(Eff. 6/30/84)				253	4	AMD	141	E1	4
223	28A.61.030	AMD	151		13	254	1	AMD	158		229
223	28A.61.040	REP	99		72	255	8	AMD	175	E1	2
		(Eff. 6/30/84)				255	12	AMD	158		91
223	28A.61.050	REP	99		72	255	14	AMD	175	E1	3
		(Eff. 6/30/84)				259	1	AMD	141		326
223	28A.61.060	REP	99		72	260	9	AMD	151		156
		(Eff. 6/30/84)				261	29	AMD	148	E1	1
223	28B.10.200	REP	99		59	265	9	AMD	151		154
		(Eff. 6/30/82)				270	4	AMD	126	E1	16
223	28B.10.400	AMD	259	E1	1	274	2	REP	210	E1	23
223	28B.10.415	AMD	259	E1	2	275	1	AMD	23	E1	1
223	28B.10.420	REEN	14		1	277	9	AMD	151		22
223	28B.10.420	AMD	14		1	279	1	AMD	141		34
223	28B.10.525	REEN	14		2	281	32	AMD	158		202
223	28B.10.565	AMD	136	E1	22	281	34	AMD	158		116
223	28B.10.650	REEN	14		3	281	35	AMD	158		117
223	28B.10.650	AMD	14		3	281	39	AMD	158		164
223	28B.10.660	REEN	88	E1	1	281	39	AMD	178	E1	8
223	28B.15.380	AMD	82		1	281	40	AMD	178	E1	9
223	28B.20.100	AMD	103	E1	2	281	41	AMD	158		167
223	28B.30.100	AMD	103	E1	3	281	42	AMD	158		168
223	28B.30.105	REP	57	E1	11	281	43	AMD	158		172
223	28B.30.120	AMD	103	E1	6	281	44	AMD	158		165

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LAWS 1969 EX (cont.)			LAWS 1979		LAWS 1970 EX (cont.)			LAWS 1979		
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.	
281	45	AMD	158	170	62	31	AMD	47	E1	3
281	47	AMD	158	157	62	37	REP	47	E1	7
					70	1	AMD	185	E1	7
					75	1	AMD	141		239
					76	1	REP	99		61
							(Eff. 6/30/82)			
					76	2	REP	99		61
							(Eff. 6/30/82)			
					76	3	REP	99		61
							(Eff. 6/30/82)			
					76	4	REP	99		61
							(Eff. 6/30/82)			
					76	5	REP	99		61
							(Eff. 6/30/82)			
					76	6	REP	99		61
							(Eff. 6/30/82)			
					76	7	REP	99		61
							(Eff. 6/30/82)			
					76	8	REP	99		61
							(Eff. 6/30/82)			
					76	9	REP	99		61
							(Eff. 6/30/82)			
					76	10	REP	99		61
							(Eff. 6/30/82)			
					76	11	REP	99		61
							(Eff. 6/30/82)			
					76	12	REP	99		61
							(Eff. 6/30/82)			
					82	1	AMD	165	E1	20
					94	8	AMD	196	E1	3
					97	1	AMD	156		1
LAWS 1970 EX			LAWS 1979		LAWS 1971			LAWS 1979		
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.	
9	2	AMD	136	E1	3	15	AMD	190	E1	10
10	2	AMD	183	E1						49
13	2	AMD	87		22	1	AMD	16		2
15	15	AMD	237	E1	26	1	AMD	66	E1	2
15	17	REEN	14		51	4	AMD	149	E1	4
18	1	AMD	141		51	6	AMD	134		3
18	2	AMD	141		52	1	AMD	158		104
18	3	AMD	141		60	1	REP	99		61
18	5	AMD	141				(Eff. 6/30/82)			
18	6	AMD	141		63	1	AMD	205	E1	5
18	11	REP	99		67	3	AMD	126	E1	6
		(Eff. 6/30/84)			73	4	AMD	136	E1	15
18	35	REP	59	E1	77	1	AMD	136	E1	71
18	42	AMD	141		77	2	AMD	136	E1	72
18	56	AMD	141		77	3	AMD	136	E1	73
18	58	AMD	141		81	18	REP	236	E1	2
18	60	AMD	141		81	46	AMD	147		1
18	61	AMD	141		81	112	AMD	158		102
18	66	AMD	141		81	149	AMD	107		15
29	2	AMD	3	E1	81	150	AMD	107		21
39	1	AMD	125		81	151	REP	210	E1	23
39	5	AMD	151		81	178	REP	30	E1	20
44	7	AMD	76	E1	81	179	REP	30	E1	20
45	4	AMD	254	E1						
45	15	AMD	41							
45	15	AMD	254	E1						
50	1	AMD	141							
50	2	AMD	141							
50	3	AMD	141							
50	5	AMD	141							
50	6	AMD	141							
51	15	AMD	33	E1						
51	23	AMD	33	E1						
51	24	AMD	195	E1						
51	28	AMD	33	E1						
51	31	REP	33	E1						
51	33	AMD	33	E1						
51	49	AMD	33	E1						
51	51	AMD	33	E1						
51	67	AMD	33	E1						
51	77	AMD	33	E1						
51	91	AMD	33	E1						
51	116	AMD	33	E1						
51	137	AMD	33	E1						
51	166	AMD	33	E1						
52	1	AMD	18	E1						
52	3	AMD	18	E1						
52	4	AMD	18	E1						
57	2	AMD	158							
57	6	AMD	158							
62	14	AMD	141							
62	17	AMD	141							

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LAWS 1971 EX			LAWS 1979		LAWS 1971 EX (cont.)			LAWS 1979	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
2	1	AMD	16	58	111	2	AMD	178	E1 19
6	1	REP	99	85	116	2	AMD	151	179
			(Eff. 6/30/82)		127	1	AMD	5	E1 12
8	4	AMD	151	43	132	1	AMD	209	E1 22
24	1	REP	7	1	132	2	AMD	107	22
24	2	REP	7	1	133	4	AMD	133	E1 1
24	3	REP	7	1	141	3	AMD	126	1
26	1	AMD	136	E1 97	144	1	AMD	17	1
28	3	AMD	1	E1 1	159	2	AMD	151	101
29	1	AMD	158	131	164	2	AMD	171	E1 3
29	1	AMD	182	E1 1	164	3	AMD	141	371
29	2	AMD	182	E1 3	164	3	AMD	171	E1 4
29	3	AMD	182	E1 4	164	5	REP	171	E1 26
29	4	AMD	182	E1 5	164	6	AMD	171	E1 5
29	8	AMD	182	E1 8	164	8	AMD	171	E1 6
29	9	AMD	136	E1 43	164	9	AMD	171	E1 10
29	9	AMD	182	E1 10	164	11	AMD	171	E1 7
29	13	AMD	182	E1 11	164	16	AMD	171	E1 8
29	15	AMD	182	E1 12	164	20	AMD	171	E1 9
29	17	AMD	182	E1 13	164	21	REP	67	E1 18
29	19	AMD	136	E1 44			(Eff. 7/1/81)		
29	19	AMD	182	E1 14	164	22	AMD	171	E1 16
29	23	REP	182	E1 17	164	25	AMD	171	E1 20
30	7	AMD	117	17	168	5	AMD	151	10
46	14	AMD	244	E1 16	172	1	AMD	155	75
47	1	REP	99	61	172	3	AMD	165	E1 17
			(Eff. 6/30/82)		175		ADD	40	20-22
47	2	REP	99	61	175	2	AMD	40	1
			(Eff. 6/30/82)		175	3	AMD	40	2
47	3	REP	99	61	175	4	AMD	40	3
			(Eff. 6/30/82)		175	10	AMD	40	5
47	4	REP	99	61	175	11	AMD	40	6
			(Eff. 6/30/82)		175	12	AMD	40	7
47	5	REP	99	61	175	13	AMD	40	8
			(Eff. 6/30/82)		175	14	AMD	40	9
47	7	AMD	158	129	175	15	AMD	40	10
47	17	AMD	136	E1 41	175	16	AMD	40	11
47	22	AMD	158	130	175	17	AMD	40	12
47	24	AMD	136	E1 42	175	18	AMD	40	13
57	17	AMD	158	90	175	20	AMD	40	14
63	3	AMD	67	E1 7	175	22	AMD	40	15
63	4	AMD	67	E1 8	175	23	AMD	40	16
63	11	AMD	67	E1 9	175	24	AMD	40	17
71	2	AMD	151	94	175	27	AMD	40	18
71	4	AMD	151	95	175	28	AMD	40	19
71	5	AMD	151	96	175	29	AMD	179	E1 6
73	3	AMD	33	E1 4	181	1	AMD	81	1
73	10	AMD	33	E1 9	181	5	AMD	81	2
85	1	AMD	211	E1 65	181	7	REP	182	E1 17
85	7	REP	99	77	181	10	AMD	81	3
			(Eff. 6/30/84)		181	13	AMD	81	4
85	7	AMD	158	105	181	14	AMD	81	5
91	5	AMD	34	1	184	6	AMD	204	E1 1
96	1	AMD	30	E1 6	189	4	REP	99	51
110	1	AMD	158	190			(Eff. 6/30/82)		
110	2	AMD	158	191	189	7	AMD	59	E1 1
111	1	AMD	178	E1 18	189	9	REP	99	75
111	2	AMD	158	174			(Eff. 6/30/84)		

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Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
189	11	AMD	151	173	252	1	AMD	158	83
189	13	REP	99	79	252	21	AMD	13 E1	1
			(Eff. 6/30/84)		253	1	AMD	158	81
189	14	REP	99	79	257	3	AMD	249 E1	3
			(Eff. 6/30/84)		257	12	AMD	205 E1	4
189	15	REP	99	79	258	1	AMD	12 E1	1
			(Eff. 6/30/84)		262	1	REP	67 E1	18
190	3	AMD	146	1			(Eff. 7/1/81)		
190	10	AMD	146	2	262	2	REP	67 E1	18
190	15	AMD	146	3			(Eff. 7/1/81)		
190	39	REP	146	6	262	3	REP	67 E1	18
191	1	AMD	92	1			(Eff. 7/1/81)		
191	5	AMD	92	3	262	4	REP	67 E1	18
191	6	AMD	92	5			(Eff. 7/1/81)		
191	9	AMD	92	4	262	5	REP	67 E1	18
192	1	AMD	91 E1	1			(Eff. 7/1/81)		
195	5	REP	99	77	262	6	REP	67 E1	18
			(Eff. 6/30/84)				(Eff. 7/1/81)		
198	2	REP	161 E1	20	262	7	REP	67 E1	18
198	3	REP	161 E1	21			(Eff. 7/1/81)		
			(Eff. 1/1/80)		266	2	REP	99	80
198	4,5	REP	161 E1	20			(Eff. 6/30/84)		
198	6	REP	161 E1	20	266	3	REP	99	78
198	7-11	REP	161 E1	20			(Eff. 6/30/84)		
198	12-20	REP	161 E1	21	266	6	REP/RESCINDED		
			(Eff. 1/1/80)				156		12
198	21	REP	161 E1	20	266	8	REP	99	55
198	22	REP	161 E1	21			(Eff. 6/30/82)		
198	23	REP	161 E1	20	266	19	REP	99	60
200	1	AMD	109 E1	4			(Eff. 6/30/82)		
201	1	AMD	90	7	266	21	AMD	158	100
201	2	AMD	90	8	267	18	AMD	205 E1	1
201	3	AMD	90	9	273	3	AMD	15 E1	1
201	4	AMD	90	10	279	2	AMD	151	14
201	6	AMD	90	12	279	22	AMD	83 E1	1
207	7	AMD	67 E1	10	281	3	AMD	196 E1	1
207	8	AMD	67 E1	11	282	11	AMD	66 E1	1
207	9	AMD	49	2	283	6	AMD	141 E1	2
227	1	REP	99	46	284		ADD	62	5
			(Eff. 6/30/82)		284	4	AMD	62	1
227	1	REP	114 E1	1	284	4	AMD	136 E1	94
227	2	REP	99	46	284	5	AMD	62	2
			(Eff. 6/30/82)		284	5	AMD	136 E1	95
227	2	REP	114 E1	1	284	6	REP	62	9
227	3	AMD	117	14	284	7	REP	62	9
227	3	REP	114 E1	1	284	8	AMD	62	3
227	4	REP	114 E1	1	284	9	AMD	62	4
231	6	AMD	158	136	284	10	AMD	158	181
231	13	AMD	158	133	284	11	AMD	62	6
231	13	AMD	266 E1	5	284	12	AMD	158	182
231	14	AMD	158	137	284	13	REP	62	9
236	1	AMD	158	35	286	3	AMD	84 E1	3
242	1	AMD	4 E1	1	286	17	AMD	47 E1	6
250	11	AMD	42	1	288	20	AMD	218 E1	2
251	1	AMD	18 E1	7	288	24	AMD	218 E1	3
251	6	AMD	124 E1	3	289	52	AMD	42 E1	1
251	13	AMD	18 E1	14	292	17	AMD	158	7
252		ADD	13 E1	2-4	292	20	AMD	156	3

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Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
292	23	REP	99	55	106	1	AMD	158	84
			(Eff. 6/30/82)		114	2	REP	41 E1	2
292	24	REP	99	55	116	13	AMD	13 E1	1
			(Eff. 6/30/82)		117	1	REP	99	71
292	47	AMD	269 E1	7			(Eff. 6/30/84)		
292	69	REP	210 E1	23	117	2	REP	99	71
292	73	REP	30 E1	20			(Eff. 6/30/84)		
294	6	AMD	6	2	117	3	REP	99	71
294	7	AMD	6	1			(Eff. 6/30/84)		
294	8	AMD	6	3	117	4	REP	99	71
299	17	AMD	95 E1	4			(Eff. 6/30/84)		
299	52	AMD	158	232	117	5	REP	99	71
299	54	AMD	107	10			(Eff. 6/30/84)		
299	55	AMD	123	1	117	6	REP	99	71
299	56	AMD	123	2			(Eff. 6/30/84)		
299	59	AMD	158	242	117	7	REP	99	71
299	60	REP	123	5			(Eff. 6/30/84)		
299	61	AMD	123	3	117	8	REP	99	71
299	62	REP	123	5			(Eff. 6/30/84)		
299	63	REP	123	5	117	9	REP	99	71
299	64	REP	123	5			(Eff. 6/30/84)		
299	65	REP	123	5	117	10	REP	99	71
299	67	AMD	123	4			(Eff. 6/30/84)		
302	2	AMD	158	1	117	11	REP	99	71
302	32	AMD	136 E1	104			(Eff. 6/30/84)		
306	1	AMD	171 E1	14	117	12	REP	99	71
307	1	AMD	94	1			(Eff. 6/30/84)		
307	2	AMD	94	2	117	13	REP	99	71
307	3	AMD	94	3			(Eff. 6/30/84)		
307	5	AMD	94	4	117	14	REP	99	71
307	6	AMD	39 E1	1			(Eff. 6/30/84)		
307	9	AMD	94	5	117	15	REP	99	71
307	10	AMD	94	6			(Eff. 6/30/84)		
307	10	AMD	158	219	117	16	REP	99	71
307	19	REP	94	10			(Eff. 6/30/84)		
307	20	AMD	94	7	117	17	REP	99	71
307	21	AMD	94	8			(Eff. 6/30/84)		
308	69.50.401	AMD	67	1	117	18	REP	99	71
308	69.50.402	AMD	119 E1	1			(Eff. 6/30/84)		
					117	19	REP	99	71
							(Eff. 6/30/84)		
					117	20	REP	99	71
							(Eff. 6/30/84)		
					117	21	REP	99	71
							(Eff. 6/30/84)		
					117	22	REP	99	71
							(Eff. 6/30/84)		
					117	23	REP	99	71
							(Eff. 6/30/84)		
					117	24	REP	99	71
							(Eff. 6/30/84)		
					117	25	REP	99	71
							(Eff. 6/30/84)		
					117	26	REP	99	71
							(Eff. 6/30/84)		
					117	27	REP	99	71
							(Eff. 6/30/84)		

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Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.		
117	28	REP	99	71	1	2	AMD	50	E1	1	
			(Eff. 6/30/84)		1	13	AMD	265	E1	2	
117	29	REP	99	71	1	19	AMD	265	E1	1	
			(Eff. 6/30/84)		1	24	AMD	151		73	
117	30	REP	99	71	1	24	REEN	151		73	
			(Eff. 6/30/84)		5	1	AMD	61		13	
117	31	REP	99	71	33	3	AMD	151		49	
			(Eff. 6/30/84)		35	1	REP	99		67	
117	32	REP	99	71			(Eff. 6/30/84)				
			(Eff. 6/30/84)		35	2	REP	99		67	
117	33	REP	99	71			(Eff. 6/30/84)				
			(Eff. 6/30/84)		41	1	REP	59	E1	3	
117	34	REP	99	71	42	1	AMD	40		4	
			(Eff. 6/30/84)		46	2	AMD	250	E1	2	
117	35	REP	99	71	51	1	AMD	201	E1	4	
			(Eff. 6/30/84)		54	3	AMD	151		51	
117	37	REP	99	71	54	4	AMD	151		52	
			(Eff. 6/30/84)		62	1	REP	99		59	
118	1	REP	99	84			(Eff. 6/30/82)				
			(Eff. 6/30/84)		66	2	AMD	42		1	
118	2	REP	99	84	70	3	AMD	133	E1	3	
			(Eff. 6/30/84)		74	1	AMD	185	E1	8	
118	3	REP	99	84	74	2	AMD	185	E1	9	
			(Eff. 6/30/84)		74	3	AMD	185	E1	10	
118	4	REP	99	84	77	4	AMD	158		18	
			(Eff. 6/30/84)		77	22	REP	99		46	
118	5	REP	99	84			(Eff. 6/30/82)				
			(Eff. 6/30/84)		77	22	REP	114	E1	1	
120	1	REP	99	55	77	23	REP	99		46	
			(Eff. 6/30/82)				(Eff. 6/30/82)				
120	1	AMD	158	40	77	23	REP	114	E1	1	
122	5	AMD	176	E1	7	77	24	REP	99	46	
							(Eff. 6/30/82)				
122	6	AMD	158	220	77	24	REP	114	E1	1	
122	25	AMD	151	172	77	25	REP	99		46	
127	4	AMD	68	2	77		(Eff. 6/30/82)				
127	5	AMD	68	1							
149	2	AMD	15	E1	1	77	25	REP	114	E1	1
151	12	AMD	249	E1	11	77	26	REP	99	46	
152	3	REP	36	E1	7		(Eff. 6/30/82)				
		REEN	36	E1	7	77	26	REP	114	E1	1
153	1	REP	99	61	86	1	AMD	126	E1	31	
			(Eff. 6/30/82)		89	1	AMD	16		50	
153	17	AMD	53	1	95	11	AMD	151		185	
154	1	REP	59	E1	3	95	11	AMD	86	E1	4
154	2	REP	59	E1	3	99	1	AMD	45		1
154	3	REP	59	E1	3	103	2	AMD	158		121
154	4	REP	59	E1	3	106	7	AMD	151		7
154	5	REP	59	E1	3	106	8	AMD	151		8
154	6	REP	59	E1	3	106	9	REP	53	E1	5
154	9	REP	59	E1	3	106	10	AMD	154		5
154	10	REP	59	E1	3	106	16	AMD	151		53
154	11	REP	59	E1	3	107	2	AMD	58		1
154	12	REP	59	E1	3	128	1	AMD	102		4
154	13	REP	59	E1	3	130	2	AMD	113		13
154	14	REP	59	E1	3	130	22	AMD	113		1
					130	24	AMD	113		10	
					130	26	AMD	113		8	
					130	27	AMD	113		12	

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Ch.	Sec.	Action	Ch.	E1	Sec.	Ch.	Sec.	Action	Ch.	E1	Sec.
131	3	AMD	184	E1	1	68	14	AMD	21		8
131	4	AMD	184	E1	2	68	14	REP	99		62
131	5	AMD	184	E1	3			(Eff. 6/30/82)			
133	3	AMD	158		69	68	15	AMD	21		9
134	3	REP	165	E1	23	68	15	REP	99		62
134	4	REP	165	E1	23			(Eff. 6/30/82)			
134	5	REP	165	E1	23	68	16	REP	99		62
134	6	REP	165	E1	23			(Eff. 6/30/82)			
134	8	REP	165	E1	23	68	17	AMD	21		11
136	5	REP	67	E1	19	68	17	REP	99		62
136	6	REP	67	E1	19			(Eff. 6/30/82)			
138	1	AMD	120	E1	2	78	1	AMD	250	E1	6
141	4	AMD	127		3	81	1	AMD	18	E1	18
141	5	AMD	127		5	82	1	AMD	151		81
141	6	AMD	127		6	83	1	AMD	62		3
141	14	AMD	127		11	103	7	AMD	119		1
148	2	AMD	209	E1	42	104	2	AMD	142		1
148	3	AMD	209	E1	43	106	1	AMD	158		38
148	4	AMD	209	E1	44	110	2	AMD	158		57
148	5	AMD	209	E1	45	117	9	AMD	215	E1	3
148	6	AMD	209	E1	46	117	11	AMD	215	E1	4
148	7	AMD	209	E1	47	120	1-25	REP	60	E1	1
148	8	AMD	209	E1	48	120	4	AMD	151		19
155	4	AMD	267	E1	1	128	1	AMD	182	E1	5
						128	5	AMD	182	E1	15
						132	7	AMD	251	E1	1
						140	1	AMD	57		1
						142	7	AMD	215	E1	5
						142	10	AMD	215	E1	6
						142	17	AMD	215	E1	7
						142	18	AMD	215	E1	8
						142	20	AMD	215	E1	9
						142	23	AMD	215	E1	11
						142	24	AMD	215	E1	12
						142	29	AMD	215	E1	13
						142	33	AMD	215	E1	14
						142	37	AMD	215	E1	15
						142	39	AMD	215	E1	16
						142	44	AMD	215	E1	17
						146	1	REP	210	E1	23
						147	4	REEN	88	E1	1
						147	5	AMD	151		54
						148	1	REP	99		80
								(Eff. 6/30/84)			
						148	2	REP	99		80
								(Eff. 6/30/84)			
						148	3	REP	99		80
								(Eff. 6/30/84)			
						148	4	REP	99		80
								(Eff. 6/30/84)			
						148	5	REP	99		80
								(Eff. 6/30/84)			
						148	6	REP	99		80
								(Eff. 6/30/84)			
						148	6	AMD	158		13
						148	7	REP	99		80
								(Eff. 6/30/84)			

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148	8	REP	99	80	153	4	REP	99	84		
			(Eff. 6/30/84)					(Eff. 6/30/84)			
148	9	REP	99	80	153	5	REP	99	84		
			(Eff. 6/30/84)					(Eff. 6/30/84)			
148	10	REP	99	80	153	7	REP	99	84		
			(Eff. 6/30/84)					(Eff. 6/30/84)			
148	11	REP	99	80	154	13	AMD	65	E1	1	
			(Eff. 6/30/84)		154	27	REP	128	E1	4	
148	12	REP	99	80	154	28	REP	128	E1	4	
			(Eff. 6/30/84)		154	29	AMD	128	E1	2	
148	13	REP	99	80	154	87	AMD	158		146	
			(Eff. 6/30/84)		154	88	AMD	61		10	
148	14	REP	99	80	154	103	AMD	65		1	
			(Eff. 6/30/84)		154	108	REP	59	E1	3	
148	15	REP	99	80	154	109	REP	59	E1	3	
			(Eff. 6/30/84)		154	110	REP	59	E1	3	
148	17	REP	99	78	154	112	AMD	141		367	
			(Eff. 6/30/84)		156	3	AMD	40		6	
148	17	AMD	158	15	156	5	AMD	40		8	
148	18	REP	99	78	156	6	AMD	40		11	
			(Eff. 6/30/84)		156	8	AMD	40		14	
148	19	REP	99	78	158	9	AMD	190	E1	2	
			(Eff. 6/30/84)		158	10	AMD	190	E1	11	
148	20	REP	99	78	161	2	REP	99		84	
			(Eff. 6/30/84)		162	4	AMD	157		1	
148	20	AMD	158	17	162	5	AMD	157		4	
148	21	REP	99	78	162	6	AMD	157		2	
			(Eff. 6/30/84)		163	5	AMD	5		4	
148	22	REP	99	78	169	2	AMD	156	E1	1	
			(Eff. 6/30/84)		170	2	AMD	157	E1	1	
148	23	REP	99	78	170	1	AMD	68	E1	13	
			(Eff. 6/30/84)		171	2	AMD	68	E1	25	
148	24	REP	99	78	171	4	AMD	68	E1	39	
			(Eff. 6/30/84)		171	6	AMD	140		1	
148	24	AMD	158	16	171	9	AMD	158		87	
148	25	REP	99	78	171	9	AMD	68	E1	41	
			(Eff. 6/30/84)		171	11	AMD	68	E1	42	
148	26	REP	99	78	171	12	AMD	68	E1	43	
			(Eff. 6/30/84)		177	1	REP	189	E1	7	
148	27	REP	99	78	177	2	AMD	189	E1	3	
			(Eff. 6/30/84)		177	5	AMD	189	E1	6	
148	28	REP	99	78	177	6	REP	189	E1	7	
			(Eff. 6/30/84)		178	1	REP	99		54	
148	29	REP	99	78	178			(Eff. 6/30/82)			
			(Eff. 6/30/84)		178	2	REP	99		54	
148	30	REP	99	78	178			(Eff. 6/30/82)			
			(Eff. 6/30/84)		178	3	REP	99		54	
149	6	REP	209	E1	54			(Eff. 6/30/82)			
151	5	AMD	33	E1	7						
151	6	AMD	33	E1	11	178	4	REP	99	54	
152	3	AMD	199	E1	7			(Eff. 6/30/82)			
153	1	REP	99	84	178						
			(Eff. 6/30/84)		178	5	REP	99		54	
153	2	REP	99	84	178			(Eff. 6/30/82)			
			(Eff. 6/30/84)		178	6	REP	99		54	
153	3	REP	99	84	178			(Eff. 6/30/82)			
			(Eff. 6/30/84)		178	7	REP	99		54	

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178	8	REP	99	54				221	2	REP	209	E1	54							
			(Eff. 6/30/82)																	
183	2	AMD	171	E1	13			LAWS 1973 2nd EX					LAWS 1979							
183	3	AMD	171	E1	1			Ch.	Sec.	Action	Ch.	Sec.								
183	4	AMD	141		371			2	1	AMD	67		1							
183	4	AMD	171	E1	4			21	5	AMD	183	E1	6							
183	6	REP	171	E1	26			21	6	AMD	183	E1	7							
183	7	AMD	171	E1	5			21	7	AMD	183	E1	8							
183	9	AMD	171	E1	6			21	8	AMD	183	E1	9							
183	10	AMD	171	E1	10			30	1	AMD	171	E1	11							
183	18	AMD	171	E1	9			31	1	AMD	141		350							
183	19	REP	67	E1	18			34	1	AMD	222	E1	1							
			(Eff. 7/1/81)					34	2	AMD	222	E1	2							
183	20	AMD	171	E1	16			34	3	AMD	222	E1	3							
183	23	AMD	171	E1	20			34	4	AMD	222	E1	4							
183	25	AMD	171	E1	12			34	6	AMD	222	E1	5							
183	27	REP	171	E1	26															
186	1	AMD	139	E1	1			LAWS 1974 EX					LAWS 1979							
186	3	AMD	139	E1	2			Ch.	Sec.	Action	Ch.	Sec.								
191	2	AMD	148	E1	1			25	1	REP	99		78							
195	26	AMD	18	E1	27															
195	58	AMD	76		1															
195	99	AMD	86	E1	3			25	1	AMD	158		14							
195	106	AMD	218	E1	1			25	1	AMD	242	E1	1							
195	109	AMD	218	E1	3			25	2	REP	99		84							
200	7	AMD	136	E1	51															
200	9	AMD	136	E1	52			32	2	AMD	127		6							
200	10	AMD	158		143			37	7	AMD	196	E1	9							
200	11	AMD	158		144			43	4	AMD	2	E1	1							
200	12	AMD	56		1			44	1	AMD	158		71							
201	1	AMD	158		112			44	5	AMD	158		72							
206	1	AMD	156	E1	1			45	1	REP	99		53							
206	2	AMD	156	E1	2															
206	3	AMD	156	E1	3			48	2	AMD	151		82							
206	4	AMD	156	E1	4			54	2	AMD	158		234							
206	5	AMD	156	E1	5			54	5	AMD	158		238							
206	8	AMD	156	E1	6			54	5	AMD	175	E1	4							
206	14	AMD	156	E1	7			54	7	REP	99		74							
206	15	AMD	156	E1	8															
206	15	AMD	156	E1	8															
207	20	AMD	70	E1	1			56	5	AMD	141		39							
208	3	AMD	261	E1	1			77	3	AMD	68	E1	10							
208	4	AMD	261	E1	2			77	12	AMD	68	E1	16							
208	5	AMD	261	E1	3			77	13	AMD	68	E1	31							
208	7	AMD	261	E1	5			88	1	AMD	151		164							
208	8	AMD	261	E1	6			94	1	REP	99		48							
208	9	AMD	261	E1	9															
208	10	AMD	261	E1	10			94	2	REP	99		48							
208	11	AMD	261	E1	11															
208	12	AMD	261	E1	12			94	3	REP	99		48							
208	13	AMD	158		61															
208	13	AMD	261	E1	13			94	3	AMD	55	E1	1							
208	14	AMD	261	E1	14			94	4	REP	99		48							
208	15	AMD	261	E1	15															
208	16	AMD	261	E1	16			94	5	REP	99		48							
208	17	AMD	261	E1	17															
208	18	AMD	261	E1	18			94	6	REP	99		48							
209	3	AMD	158		217															
221	1	REP	209	E1	54															

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LAWS 1974 EX (cont.)			LAWS 1979		LAWS 1974 EX (cont.)			LAWS 1979	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
94	7	REP	99	48	140	4	REP	99	76
			(Eff. 6/30/82)					(Eff. 6/30/84)	
94	9	REP	99	48	140	5	REP	99	76
			(Eff. 6/30/82)					(Eff. 6/30/84)	
94	10	REP	99	48	140	6	REP	99	76
			(Eff. 6/30/82)					(Eff. 6/30/84)	
94	11	REP	99	48	140	7	REP	99	76
			(Eff. 6/30/82)					(Eff. 6/30/84)	
94	12	REP	99	48	140	8	REP	99	76
			(Eff. 6/30/82)					(Eff. 6/30/84)	
94	13	REP	99	48	140	9	REP	99	76
			(Eff. 6/30/82)					(Eff. 6/30/84)	
94	14	REP	99	48	140	10	REP	99	76
			(Eff. 6/30/82)					(Eff. 6/30/84)	
94	15	REP	99	48	140	11	REP	99	76
			(Eff. 6/30/82)					(Eff. 6/30/84)	
94	16	REP	99	48	140	14	REP	99	76
			(Eff. 6/30/82)					(Eff. 6/30/84)	
94	17	REP	99	48	141	12	AMD	121 E1	1
			(Eff. 6/30/82)		145	7	AMD	215 E1	7
94	18	REP	99	48	145	11	AMD	215 E1	11
			(Eff. 6/30/82)		145	12	AMD	215 E1	12
94	19	REP	99	48	145	16	AMD	215 E1	13
			(Eff. 6/30/82)		145	19	AMD	215 E1	14
94	20	REP	99	48	145	24	AMD	215 E1	16
			(Eff. 6/30/82)		146	2	AMD	151	94
94	22	REP	99	48	146	3	AMD	151	95
			(Eff. 6/30/82)		156	1	AMD	255 E1	7
95	1	AMD	255 E1	9	157	2	AMD	255 E1	3
96	3	AMD	76 E1	1	165	1	AMD	143 E1	2
97	13	AMD	158	20	165	1	AMD	155 E1	2
97	13	AMD	111 E1	18	166	1	AMD	137	1
97	15	AMD	158	19	166	3	AMD	137	2
101	1	REP	99	72	166	4	AMD	137	3
			(Eff. 6/30/84)		166	5	AMD	137	4
101	1	AMD	151	13	167	1	AMD	151	39
102	3	AMD	115 E1	3	169	2	AMD	196 E1	8
102	10	REP	115 E1	6	171	35	AMD	268 E1	3
120	7	AMD	45 E1	1	172	1	REP	134	4
121	2	AMD	85	1	173	1	REP	59 E1	3
125	1	AMD	79 E1	1	173	2	REP	59 E1	3
125	4	AMD	79 E1	2	179	11	AMD	151	107
131	2	AMD	214 E1	9	182	1	AMD	214 E1	1
137	21	REP	99	45	182	2	AMD	214 E1	2
			(Eff. 6/30/82)		182	3	AMD	214 E1	3
137	21	AMD	47 E1	4	182	5	AMD	214 E1	4
137	22	REP	99	45	184	2	AMD	135	1
			(Eff. 6/30/82)		184	12	REP	135	2
137	22	AMD	47 E1	5	187	9	AMD	6	4
137	23	REP	99	45	191		ADD	61 E1	1,2,4
			(Eff. 6/30/82)		191	1	AMD	151	44
139	4	REP	34 E1	1	191	1	AMD	61 E1	3
140	1	REP	99	76	195	3	AMD	249 E1	10
			(Eff. 6/30/84)		195	4	AMD	205 E1	6
140	2	REP	99	76	198	8	AMD	215 E1	3
			(Eff. 6/30/84)		198	10	AMD	215 E1	4
140	3	REP	99	76					
			(Eff. 6/30/84)						

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LAWS 1975			LAWS 1979		LAWS 1975 1st EX (cont.)			LAWS 1979	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
15	1	AMD	51	1	30	7	AMD	158	12
25	4	AMD	158	126	30	8	REP	99	80
25	5	AMD	158	127			(Eff. 6/30/84)		
25	6	AMD	158	132	30	9	REP	99	80
25	13	AMD	113 E1	2			(Eff. 6/30/84)		
40	10	REP	99	63	30	10	REP	99	80
			(Eff. 6/30/84)				(Eff. 6/30/84)		
43	5	AMD	126 E1	4	30	11	REP	99	80
43	5	AMD	183 E1	1			(Eff. 6/30/84)		
43	8	AMD	183 E1	2	30	12	REP	99	80
43	9	AMD	183 E1	3			(Eff. 6/30/84)		
43	34	REP	126 E1	43	30	13	REP	99	78
49	1	AMD	38	1			(Eff. 6/30/84)		
52	1	AMD	158	124	30	13	AMD	242 E1	2
53	1	AMD	67 E1	7	30	14	REP	99	78
54	1	AMD	158	147			(Eff. 6/30/84)		
56	2	AMD	28 E1	3	30	15	REP	99	78
56	3	REP	28 E1	4			(Eff. 6/30/84)		
59	4	AMD	136 E1	51	30	23	REP/RESCINDED		
59	6	AMD	136 E1	52			156	12	
61	1	AMD	111 E1	1	30	24	AMD	158	30
61	3	AMD	111 E1	16	30	26	AMD	158	33
61	4	AMD	111 E1	5	30	42	REP	99	55
62	15	AMD	158	162			(Eff. 6/30/82)		
63	2	AMD	195 E1	1	30	43	REP	99	55
							(Eff. 6/30/82)		
					30	44	REP	99	55
							(Eff. 6/30/82)		
					30	45	REP	99	55
							(Eff. 6/30/82)		
					30	58	AMD	117	12
					30	59	AMD	117	15
					30	62	AMD	158	53
					30	68	AMD	158	65
					30	69	AMD	158	66
					30	78	AMD	106 E1	1
					30	80	REP	99	60
							(Eff. 6/30/82)		
					30	81	REP	99	60
							(Eff. 6/30/82)		
					30	93	AMD	158	100
					31	1	AMD	151	25
					31	2	AMD	151	55
					31	2	AMD	18 E1	28
					36	1	AMD	16	57
					39	1	AMD	111 E1	17
					45	1	AMD	54	2
					54	10	AMD	158	203
					54	54	AMD	136 E1	100
					54	102	AMD	136 E1	101
					55	1	AMD	21	22
					56	1	AMD	89 E1	1
					64	1	AMD	137 E1	1
					64	2	AMD	137 E1	2
					68	1	AMD	104 E1	1
					69	3	AMD	158	46
					69	7	AMD	158	47
					69	9	AMD	158	48

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LAWS 1975 1st EX (cont.)				LAWS 1979				LAWS 1975 1st EX (cont.)				LAWS 1979			
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.	
69	10	AMD	158	49	167		6	AMD	158	167		6	AMD	158	
69	12	AMD	158	50	167		10	AMD	151	167		10	AMD	151	
76	1	AMD	135	E1	7		14	AMD	151	167		14	AMD	151	
82	2	REP	99	48	167		15	AMD	151	167		15	AMD	151	
			(Eff. 6/30/82)		167		16	AMD	151	167		16	AMD	151	
84	2	AMD	68	E1	2		2	AMD	158	169		2	AMD	158	
84	3	AMD	68	E1	3		1	AMD	155	170		1	AMD	155	
84	4	AMD	68	E1	4		1	AMD	158	171		1	AMD	158	
84	5	AMD	68	E1	5		11	AMD	158	171		11	AMD	158	
84	6	AMD	68	E1	6		11	AMD	158	171		11	AMD	158	
84	7	AMD	68	E1	7		14	AMD	158	171		14	AMD	158	
84	8	AMD	68	E1	8		12	AMD	151	174		12	AMD	151	
84	9	AMD	68	E1	9		1	AMD	182	181	E1	1	AMD	182	
84	11	AMD	68	E1	14		2	AMD	182	181	E1	2	AMD	182	
84	15	AMD	68	E1	17		3	AMD	182	181	E1	3	AMD	182	
84	19	AMD	68	E1	23		4	AMD	182	181	E1	4	AMD	182	
84	22	AMD	68	E1	26		5	AMD	136	181	E1	5	AMD	136	
84	23	AMD	68	E1	27		5	AMD	182	181	E1	5	AMD	182	
84	25	AMD	158	86	181		6	AMD	136	181	E1	6	AMD	136	
84	27	REP	68	E1	45		6	AMD	182	181	E1	6	AMD	182	
95	6	AMD	32	1	182		1	AMD	84	182	E1	1	AMD	84	
96	6	AMD	189	E1	3		4	AMD	43	183	E1	4	AMD	43	
99	2	AMD	228	E1	10		6	AMD	43	183	E1	6	AMD	43	
100	1	AMD	151	161	183		8	AMD	43	183	E1	8	AMD	43	
107	2	AMD	54	1	183		10	AMD	43	183	E1	10	AMD	43	
111	1	AMD	57	E1	7		1	AMD	153	186	E1	1	AMD	153	
113	1	AMD	268	E1	1		3	AMD	158	190		3	AMD	158	
113	2	AMD	268	E1	2		1	AMD	158	191		1	AMD	158	
118	2	AMD	158	140	191		2	AMD	61	191		2	AMD	61	
118	7	REP	134	4	199		2	AMD	215	199	E1	2	AMD	215	
118	12	AMD	158	231	199		3	AMD	215	199	E1	3	AMD	215	
118	13	AMD	158	232	199		9	AMD	215	199	E1	9	AMD	215	
118	15	AMD	123	1	199		10	AMD	215	199	E1	10	AMD	215	
118	16	AMD	123	2	200		10	REP	99	200		10	REP	99	
118	17	AMD	123	3					(Eff. 6/30/82)						
123	1	AMD	67	E1	2		27	AMD	238	201	E1	27	AMD	238	
126	4	AMD	144	E1	1		2	REP	211	213	E1	2	REP	211	
126	5	AMD	144	E1	2		1	AMD	136	216	E1	1	AMD	136	
126	6	AMD	151	5	218		1	REP	99	218		1	REP	99	
126	6	AMD	144	E1	3				(Eff. 6/30/84)						
132	6	AMD	151	22	220		10	AMD	5	220	E1	10	AMD	5	
132	16	AMD	235	E1	1		13	AMD	18	220	E1	13	AMD	18	
136	1	AMD	238	E1	2		14	AMD	124	220	E1	14	AMD	124	
136	4	AMD	238	E1	7		15	AMD	190	228	E1	15	AMD	190	
136	5	AMD	238	E1	5		2	AMD	158	229		2	AMD	158	
136	6	AMD	238	E1	6		3	AMD	158	229		3	AMD	158	
143	2	AMD	122	E1	3		5	AMD	158	229		5	AMD	158	
143	4	AMD	122	E1	5		1	REP	14	232		1	REP	14	
143	6	AMD	122	E1	6		2	AMD	151	239		2	AMD	151	
145	1	AMD	127	8	243		1	AMD	16	243	E1	1	AMD	16	
146	1	AMD	158	122	244		6	AMD	158	244		6	AMD	158	
158	3	AMD	209	E1	50		1	AMD	244	247	E1	1	AMD	244	
163	2	AMD	83	3	251		1	REP	99	251		1	REP	99	
165	1	AMD	107	3					(Eff. 6/30/84)						
167	5	AMD	111	12	251		2	REP	99	251		2	REP	99	
167	6	REP	99	83					(Eff. 6/30/84)						
			(Eff. 6/30/84)		251		3	REP	99	251		3	REP	99	
									(Eff. 6/30/84)						

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Ch.	Sec.	Action	Ch.	Sec.		Ch.	Sec.	Action	Ch.	Sec.	
251	4	REP	99	81		278	136	REP	210	E1	23
			(Eff. 6/30/84)			278	137	REP	210	E1	23
257	5	AMD	91	1		278	138	REP	210	E1	23
257	10	AMD	154	3		278	139	REP	210	E1	23
260	9A.16.020	AMD	244	E1	7	178	140	REP	210	E1	23
260	9A.16.030	AMD	244	E1	8	278	141	REP	210	E1	23
260	9A.20.030	AMD	29	3		278	142	REP	210	E1	23
230	9A.36.020	AMD	224	E1	9	278	206	AMD	86	E1	5
260	9A.36.030	AMD	244	E1	10	280	1	AMD	158		74
260	9A.48.080	AMD	145	2		281	3	AMD	158		173
260	9A.48.100	AMD	145	3		286	2	AMD	108		1
260	9A.48.100	AMD	248	E1	11	286	3	AMD	151	E1	1
260	9A.52.070	AMD	244	E1	12	286	3	AMD	231	E1	1
260	9A.52.080	AMD	244	E1	13	287	1	AMD	176	E1	5
260	9A.56.060	AMD	244	E1	14	287	4	AMD	158		151
260	9A.76.010	AMD	155	35		288	5	REP	146	E1	3
260	9A.88.030	AMD	244	E1	15	288	6	REP	146	E1	3
264	2	AMD	16	19		291	7	AMD	196	E1	2
264	3	AMD	16	22		291	10	AMD	2		1
264	4	AMD	16	25		291	11	AMD	2		2
266	1	AMD	18	4		291	15	AMD	214	E1	2
267	4	AMD	151	163		291	27	AMD	214	E1	5
270	7	AMD	175	E1	1	291	28	AMD	214	E1	6
270	11	AMD	151	40		291	29	AMD	214	E1	7
270	25	AMD	151	41		291	30	AMD	214	E1	8
271	1	AMD	69	1		293	5	AMD	151		137
273	1	REP	59	E1	3	293	6	AMD	151		138
273	2	REP	59	E1	3	293	8	AMD	151		139
273	3	REP	59	E1	3	293	10	AMD	151		141
275	16	AMD	66	E1	1	296	35	AMD	73	E1	1
275	102	AMD	126	E1	6						
275	109	AMD	134	E1	2						
275	111	AMD	140	E1	1						
275	152	AMD	141	250							
278	5	AMD	209	E1	19						
278	21	AMD	151	38							
278	25	AMD	151	130							
278	36	REP	67	E1	18						
			(Eff. 7/1/81)								
278	38	REP	67	E1	20						
			(Eff. 7/1/80)								
278	41	AMD	196	E1	4						
278	77	AMD	95	E1	1						
278	81	AMD	95	E1	2						
278	95	AMD	120	2							
278	101	AMD	209	E1	20						
278	108	AMD	209	E1	9						
278	125	REP	210	E1	23						
278	126	REP	210	E1	23						
278	127	REP	210	E1	23						
278	128	REP	210	E1	23						
278	129	REP	210	E1	23						
278	130	REP	210	E1	23						
278	131	REP	210	E1	23						
278	132	REP	210	E1	23						
278	133	REP	210	E1	23						
278	134	REP	210	E1	23						
278	135	REP	210	E1	23						

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Ch.	Sec.	Action	Ch.	Sec.	
5	2	AMD	146	E1	2
5	4	AMD	151		66
5	5	AMD	151		67
13	1	AMD	256	E1	13
14	1	AMD	184	E1	1
14	2	AMD	184	E1	2
15	5	AMD	126	E1	5
15	6	AMD	126	E1	7
15	7	AMD	126	E1	8
15	7	AMD	183	E1	4
15	8	AMD	126	E1	9
15	8	AMD	183	E1	5
17	1	AMD	151		92
17	2	AMD	119		3
17	3	REP	99		48
			(Eff. 6/30/82)		
18	1	AMD	136	E1	80
21	3	AMD	151		97
21	4	AMD	88		2
21	6	AMD	151		98
21	9	AMD	88		3
21	10	REP	88		4
21	10	AMD	151		99
22	3	AMD	193	E1	1

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<u>1979</u>					<u>1979</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>
25	1	AMD	53	E1	34	156	REP	99	62
34	28	REP	99	80			(Eff. 6/30/82)		
					34	158	REP	161	E1 20
34	29	REP	99	80	34	166	AMD	141	152
					34	172	AMD	43	E1 4
34	30	REP	99	78	34	174	REP	99	45
							(Eff. 6/30/82)		
34	31	REP	99	78	34	174	AMD	47	E1 5
					38	5	AMD	244	E1 9
34	33	AMD	158	22	38	18	AMD	121	1
34	33	AMD	111	E1 20	39	1	AMD	156	E1 1
34	34	AMD	38	3	39	2	AMD	156	E1 2
34	38	AMD	158	45	39	3	AMD	156	E1 3
34	40	AMD	90	1	39	4	AMD	156	E1 4
34	41	AMD	158	52	39	5	AMD	156	E1 5
34	42	AMD	158	59	39	7	AMD	156	E1 6
34	42	AMD	111	E1 3	41	7	AMD	94	2
34	43	AMD	261	E1 2	41	8	REP	94	10
34	44	AMD	158	62	42	26	AMD	165	E1 15
34	52	REP	99	60	42	27	REP	165	E1 23
					42	28	REP	165	E1 23
34	64	AMD	68	E1 34	42	29	REP	165	E1 23
34	82	AMD	57	E1 8	42	30	REP	165	E1 23
34	91	AMD	146	E1 2	42	31	REP	165	E1 23
34	92	REP	146	E1 3	42	34	AMD	165	E1 18
34	99	REP	99	79	42	35	REP	165	E1 23
					42	36	AMD	52	E1 1
34	105	AMD	158	98	42	39	AMD	162	E1 2
34	106	AMD	158	101	42	40	AMD	101	E1 2
34	111	REP	99	71	48	1	REP	99	53
							(Eff. 6/30/82)		
34	120	REP	99	77	48	2	REP	99	53
							(Eff. 6/30/82)		
34	121	AMD	151	127	48	4	REP	99	53
34	122	REP	99	49			(Eff. 6/30/82)		
					48	5	REP	99	53
34	123	REP	99	46			(Eff. 6/30/82)		
34	123	REP	114	E1 1	50	1	AMD	158	109
34	125	REP	99	61	54	2	AMD	158	233
					61	2	AMD	196	E1 11
34	126	REP	99	48	61	14	AMD	196	E1 10
					64	3	AMD	134	1
34	127	REP	99	48	64	4	REP	134	4
					64	5	AMD	136	E1 48
34	129	REP	99	74	64	9	AMD	149	E1 3
					64	11	AMD	136	E1 74
34	131	REP	99	76	64	12	AMD	213	E1 7
					64	16	AMD	113	E1 5
34	133	REP	99	54	64	20	AMD	136	E1 76
					64	23	AMD	136	E1 75
34	136	AMD	158	199	83	4	AMD	151	135
34	136	REP	51	E1 16	86	1	AMD	151	23
34	153	REP	99	53	91	6	AMD	158	138
					92	1	AMD	173	E1 1
34	154	REP	99	53	95	1	REP	136	E1 109
					95	2	AMD	28	E1 2
					95	3	AMD	136	E1 93

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1979						Ch.	Sec.	Action	Ch.	Sec.
Ch.	Sec.	Action	Ch.	Sec.		23	3	AMD	151	144
97	2	AMD	173	E1	2	23	4	AMD	151	145
102	1	AMD	7	E1	1	24	2	AMD	178	E1 20
102	1	AMD	26	E1	1	25	1	AMD	136	E1 45
102	1	AMD	27	E1	1	26	1	AMD	40	7
102	1	AMD	136	E1	50	26	2	AMD	40	9
102	2	AMD	27	E1	2	26	3	AMD	40	13
104	1	REEN	151		73	26	4	AMD	40	19
104	1	AMD	151		73	27	1	AMD	63	3
105	13	AMD	151		64	31	1	AMD	141	145
105	15	AMD	151		65	31	3	AMD	64	1
106	2	AMD	125		2	33	1	REEN	13	1
108	1	REP	99		58	40	1	AMD	151	75
		(Eff. 6/30/82)				53	1	AMD	240	E1 1
108	2	REP	99		58	63	1	AMD	227	E1 1
		(Eff. 6/30/82)				65	1	AMD	69	E1 1
108	3	REP	99		58	68	1	AMD	17	1
		(Eff. 6/30/82)				69	1	AMD	139	E1 2
108	4	REP	99		58	75	9	REP	99	78
		(Eff. 6/30/82)						(Eff. 6/30/84)		
108	4	AMD	99		87	75	11	AMD	158	63
108	5	REP	99		58	75	14	REEN	9	1
		(Eff. 6/30/82)				75	14	REP	99	68
108	6	REP	99		58			(Eff. 6/30/84)		
		(Eff. 6/30/82)				75	15	REEN	9	2
108	7	REP	99		58	75	15	REP	99	67
		(Eff. 6/30/82)						(Eff. 6/30/84)		
108	18	AMD	158	E1	1	75	16	REP	99	66
112	6	AMD	265	E1	2			(Eff. 6/30/84)		
112	7	AMD	151		73	75	28	REEN	14	6
112	7	REEN	151		73	75	40	AMD	151	91
115	10	AMD	151		125	75	40	REEN	151	91
115	12	AMD	151		126	75	44	REP	99	75
115	14	REP	99		82			(Eff. 6/30/84)		
		(Eff. 6/30/84)				75	55	REP	99	71
115	23	REP	59	E1	3			(Eff. 6/30/84)		
118	27	AMD	237	E1	1	75	57	REEN	10	4
119	2	AMD	199	E1	5	75	61	AMD	151	129
121	1	AMD	111		16	75	62	AMD	151	131
123	2	REP	59	E1	3	75	63	REP	99	63
123	3	REP	59	E1	3			(Eff. 6/30/84)		
123	4	REP	59	E1	3	75	64	REP	99	63
123	5	REP	59	E1	3			(Eff. 6/30/84)		
123	6	REP	59	E1	3	75	64	AMD	151	133
123	9	REP	6		6	75	67	AMD	158	161
128	1	AMD	244	E1	1	75	72	AMD	37	E1 1
131	5	AMD	147	E1	1	75	81	AMD	31	2
						75	81	AMD	151	169
						75	83	AMD	141	98
						75	84	AMD	141	163
						75	86	AMD	160	E1 5
						76	2	AMD	158	195
						76	3	AMD	158	196
						117	8	AMD	158	212
LAWS 1977				LAWS 1979						
Ch.	Sec.	Action	Ch.	Sec.						
7	1	REEN	10	1						
7	2	REEN	10	2						
9	2	REP	99	53						
		(Eff. 6/30/82)								
16	1	AMD	151	89						
23	1	AMD	151	142						
23	2	AMD	151	143						

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1	1	AMD	263	E1	1	40	16 REP	99	81
3	1	AMD	61		7		(Eff. 6/30/84)		
3	2	AMD	61		9	40	17 REP	99	81
3	3	AMD	176	E1	6		(Eff. 6/30/84)		
5	2	AMD	158		36	40	18 REP	99	81
11	1	REP	99		84	40	19 REP	99	81
		(Eff. 6/30/84)					(Eff. 6/30/84)		
12	3	AMD	164	E1	1	40	20 REP	99	81
14	11	AMD	76	E1	1		(Eff. 6/30/84)		
15	1	AMD	151		148	40	21 REP	99	81
19	2	AMD	151		149		(Eff. 6/30/84)		
19	3	AMD	151		150	40	22 REP	99	81
19	4	AMD	151		151		(Eff. 6/30/84)		
19	5	AMD	151		152	40	23 REP	99	81
22	4	AMD	136	E1	78		(Eff. 6/30/84)		
22	6	AMD	107		11	40	24 REP	99	81
24	2	REEN	25		1		(Eff. 6/30/84)		
24	3	REEN	25		2	41	1 AMD	89	E1
24	4	REEN	25		3		1 AMD	121	
25	2	AMD	151		146	43	6 AMD	59	
25	3	AMD	151		147	44	2 AMD	97	
25	3	AMD	112	E1	1	45	1 AMD	158	82
25	4	AMD	151		148	51	3 AMD	135	E1
25	6	REEN	10		3	53	3 REEN	135	E1
30	1	REP	36	E1	7	53	3 AMD	136	E1
30	1	REEN	36	E1	7	53	3 REEN	136	E1
35	1	AMD	196	E1	9	53	1 REP	99	84
36	8	AMD	126	E1	37	61	(Eff. 6/30/84)		
37	1	REP	189	E1	7		1 AMD	113	E1
40	1	REP	99		81	64	1 REP	99	84
		(Eff. 6/30/84)				66	(Eff. 6/30/84)		
40	2	REP	99		81	68	1 REEN	11	2
		(Eff. 6/30/84)				80	13 AMD	244	E1
40	3	REP	99		81	80	21 AMD	165	E1
		(Eff. 6/30/84)				80	47 AMD	141	185
40	4	REP	99		81	80	62 AMD	217	E1
		(Eff. 6/30/84)				80	71 AMD	155	83
40	4	AMD	151		174	80	72 AMD	141	355
40	5	REP	99		81	80	2 REEN	9	1
		(Eff. 6/30/84)				81	2 REP	99	68
40	6	REP	99		81	81	(Eff. 6/30/84)		
		(Eff. 6/30/84)				81	3 REEN	9	2
40	7	REP	99		81	81	3 REP	99	67
		(Eff. 6/30/84)				83	(Eff. 6/30/84)		
40	8	REP	99		81		1 REP	99	56
		(Eff. 6/30/84)				83	(Eff. 6/30/82)		
40	9	REP	99		81		2 REP	99	56
		(Eff. 6/30/84)				83	(Eff. 6/30/82)		
40	10	REP	99		81		3 REP	99	56
		(Eff. 6/30/84)				83	(Eff. 6/30/82)		
40	11	REP	99		81		4 REP	99	56
		(Eff. 6/30/84)				83	(Eff. 6/30/82)		
40	12	REP	99		81		5 REP	99	56
		(Eff. 6/30/84)				83	(Eff. 6/30/82)		
40	13	REP	99		81		6 REP	99	56
		(Eff. 6/30/84)				83	(Eff. 6/30/82)		
40	14	REP	99		81		(Eff. 6/30/82)		
		(Eff. 6/30/84)							

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83	7	REP	99	56	118	1	REEN	14	2
			(Eff. 6/30/82)		123	1	REEN	10	4
83	8	REP	99	56	124	1(Uncod)	AMD	19	1
			(Eff. 6/30/82)		125	1	REEN	11	3
83	9	REP	99	56	125	2	AMD	158	187
			(Eff. 6/30/82)		128	5	AMD	151	115
83	10	REP	99	56	130	1	AMD	122	E1 1
			(Eff. 6/30/82)		136	2	AMD	125	1
83	11	REP	99	56	136	4	AMD	151	55
			(Eff. 6/30/82)		138	1	AMD	62	6
83	11	AMD	99	88	144	1	AMD	151	2
85	2	AMD	27	3	144	2	AMD	151	3
86	1	AMD	151	105	144	3	AMD	151	4
86	5	AMD	151	106	144	6	AMD	151	43
89	6	AMD	89	1	144	7	AMD	151	91
91	1	AMD	72	1	144	7	REEN	151	91
93	1	REP	99	55	144	8	AMD	151	176
			(Eff. 6/30/82)		144	10	AMD	151	116
93	1	AMD	158	39	144	11	AMD	151	117
93	2	REP	99	55	144	12	REP	151	187
			(Eff. 6/30/82)		147	1	AMD	94	E1 1
93	2	AMD	158	41	147	2	AMD	94	E1 2
93	3	REP	99	55	147	3	AMD	94	E1 3
			(Eff. 6/30/82)		147	4	AMD	94	E1 4
93	4	REP	99	55	147	5	AMD	94	E1 5
			(Eff. 6/30/82)		147	6	AMD	94	E1 6
93	5	REP	99	55	147	7	AMD	94	E1 12
			(Eff. 6/30/82)		147	8	AMD	94	E1 13
93	6	REP	99	55	147	9	AMD	94	E1 14
			(Eff. 6/30/82)		147	11	AMD	94	E1 9
93	7	REP	99	55	147	12	AMD	94	E1 10
			(Eff. 6/30/82)		147	13	AMD	94	E1 11
93	8	REP	99	55	147	14	AMD	94	E1 8
			(Eff. 6/30/82)		148	2	REEN	11	1
93	9	REP	99	55	150	2	AMD	18	5
			(Eff. 6/30/82)		150	4	AMD	18	6
93	10	REP	99	55	150	8	AMD	18	3
			(Eff. 6/30/82)		151	17	AMD	30	3
93	12	REP	99	55	151	20	REEN	10	1
			(Eff. 6/30/82)		151	21	REEN	10	2
105	1	AMD	196	E1 5	151	26	AMD	158	204
106		ADD	101	E1 2-6	151	28	REP	99	63
106	2	AMD	101	7			(Eff. 6/30/84)		
106	8	REP	135	2	151	28	AMD	151	132
106	11	REP	101	9	151	33	AMD	158	159
110	1	AMD	151	37	151	42	AMD	158	185
110	2	AMD	151	167	151	43	REP	122	E1 9
110	3	AMD	151	168	151	44	AMD	122	E1 2
110	4	REEN	10	3	151	45	AMD	122	E1 7
110	5	AMD	151	24	151	57	AMD	86	E1 2
111	1	AMD	77	1	151	72	AMD	189	E1 4
117	1	AMD	158	92	152	1	AMD	151	57
117	6	AMD	158	210	152	2	AMD	151	58
117	7	AMD	158	211	152	3	AMD	151	59
117	9	AMD	158	213	152	5	AMD	151	60
117	10	AMD	158	214	152	8	AMD	151	15
117	11	AMD	158	215	152	10	AMD	151	16
117	12	AMD	158	216	152	11	AMD	151	17

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153	6	AMD	177	E1	1	193	14	AMD	16	45	
156	1	AMD	158		42	195	1	REP	99	70	
156	5	AMD	70		1				(Eff. 6/30/84)		
163	8	AMD	158		207	195	2	REP	99	70	
166	6	AMD	12		1				(Eff. 6/30/84)		
166	6	REEN	12		1	195	3	REP	99	70	
166	7	AMD	12		2				(Eff. 6/30/84)		
166	7	REEN	12		2	195	4	REP	99	70	
167	4	AMD	178	E1	21				(Eff. 6/30/84)		
167	5	AMD	178	E1	22	195	5	REP	99	70	
169	14	AMD	12	E1	1				(Eff. 6/30/84)		
169	15	AMD	259	E1	1	195	6	REP	99	70	
169	18	AMD	259	E1	2				(Eff. 6/30/84)		
169	20	REEN	14		1	195	7	REP	99	70	
169	20	AMD	14		1				(Eff. 6/30/84)		
169	23	REEN	14		2	195	8	REP	99	70	
169	30	REEN	14		3				(Eff. 6/30/84)		
169	30	AMD	14		3	195	17	REP	99	70	
169	45	AMD	103	E1	4				(Eff. 6/30/84)		
169	51	REEN	14		4	195	17	AMD	151	124	
169	65	AMD	103	E1	5	195	18	REP	99	70	
169	109	AMD	151		140				(Eff. 6/30/84)		
169	111	AMD	12		2	195	19	REP	99	70	
169	111	REEN	12		2				(Eff. 6/30/84)		
172	1	REEN	8		1	201	1	REP	14	5	
172	2	AMD	68	E1	21	202	2	AMD	108	1	
172	3	AMD	68	E1	24	204	1	REEN	25	4	
172	3	REEN	68	E1	24	204	1	AMD	25	4	
172	4	AMD	68	E1	30	204	2	REEN	11	3	
173	1	REEN	14		3	211	1	AMD	143	E1	4
173	1	AMD	14		3	211	1	AMD	155	E1	1
174	1	AMD	145		3	212	1	REP	99	48	
174	1	AMD	244	E1	11				(Eff. 6/30/82)		
174	3	AMD	145		1	212	2	REP	99	48	
174	3	AMD	145		1				(Eff. 6/30/82)		
175	3	AMD	151		171	212	3	REP	99	48	
179	1	AMD	12		1				(Eff. 6/30/82)		
179	1	REEN	12		1	214	1	AMD	151	163	
179	2	AMD	12		2	218	4	AMD	151	159	
179	2	REEN	12		2	219	4	AMD	87	1	
182	1	AMD	269	E1	1	220	1	AMD	158	129	
182	2	AMD	130	E1	3	220	10	AMD	136	E1	41
182	4	AMD	269	E1	8	220	14	AMD	158	130	
182	6	AMD	269	E1	6	220	16	AMD	136	E1	42
188	1	AMD	130		3	220	21	REP	99	61	
188	2	REEN	8		1				(Eff. 6/30/82)		
188	3	AMD	130		14	222	1	AMD	158	80	
188	4	AMD	68	E1	24	228	2	AMD	151	6	
188	4	REEN	68	E1	24	230	1	AMD	135	1	
189	2	AMD	149		10	230	4	AMD	43	E1	1
190	1	REP	125		4	230	6	AMD	43	E1	3
192	1	AMD	127		2	232	2	AMD	151	50	
193	1	AMD	16		7	235	1	AMD	48	1	
193	5	AMD	16		31	235	8	AMD	151	157	
193	7	REP	16		60	235	9	AMD	158	112	
193	8	AMD	16		34	235	15	AMD	122	E1	4
193	12	AMD	16		37	244	1	AMD	211	E1	67
193	13	AMD	16		38	248	3	AMD	135	E1	8

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248	3	REEN	135	E1	8	291		ADD	155		56
248	3	AMD	136	E1	24	291		ADD	155		74
248	3	REEN	136	E1	24	291	2	AMD	155		1
251	3	AMD	119		1	291	3	AMD	155		2
251	5	AMD	119		3	291	4	AMD	155		3
251	6	AMD	119		2	291	5	AMD	155		4
253	3	AMD	158		192	291	6	AMD	155		5
253	4	AMD	158		193	291	8	AMD	155		6
253	7	AMD	158		194	291	9	AMD	165	E1	6
256	1	AMD	205	E1	8	291	10	REP	155		86
261	1	REEN	25		4	291	11	REP	155		86
261	1	AMD	25		4	291	12	REP	155		86
268	1	AMD	214	E1	1	291	14	AMD	155		13
268	2	AMD	214	E1	3	291	16	REP	155		86
270	1	REP	99		57	291	17	REP	155		86
			(Eff. 6/30/82)			291	18	REP	155		86
270	2	REP	99		57	291	19	REP	155		86
			(Eff. 6/30/82)			291	21	AMD	155		76
270	3	REP	99		57	291	22	AMD	155		77
			(Eff. 6/30/82)			291	23	REP	155		86
270	4	AMD	88		1	291	24	REP	155		86
270	5	AMD	14	E1	1	291	25	REP	155		86
270	9	REP	99		57	291	26	REP	155		86
			(Eff. 6/30/82)			291	27	REP	155		86
270	11	REP	99		57	291	31	AMD	155		37
			(Eff. 6/30/82)			291	33	AMD	155		38
274	1	AMD	187	E1	1	291	34	AMD	155		39
274	4	AMD	187	E1	3	291	35	AMD	155		40
276	1	REEN	14		1	291	36	AMD	155		41
276	1	AMD	14		1	291	37	AMD	155		42
277	12	AMD	151		28	291	38	AMD	155		43
279	3	AMD	186	E1	1	291	39	AMD	155		44
279	4	AMD	186	E1	2	291	40	AMD	155		45
279	5	AMD	186	E1	3	291	41	AMD	155		46
279	6	AMD	186	E1	4	291	42	REP	155		86
279	7	AMD	186	E1	5	291	46	AMD	155		47
279	8	AMD	186	E1	6	291	47	AMD	151		48
279	9	AMD	186	E1	7	291	49	AMD	155		49
282	2	AMD	103	E1	1	291	52	AMD	201	E1	5
282	4	AMD	151		20	291	53	AMD	155		35
282	5	REEN	14		6	291	54	REP	155		86
283	13	AMD	36		1	291	56	AMD	155		54
285	1	REP	99		82	291	57	AMD	155		55
			(Eff. 6/30/84)			291	58	AMD	155		57
285	2	REP	99		82	291	59	AMD	155		58
			(Eff. 6/30/84)			291	60	AMD	155		59
287	1	AMD	79	E1	1	291	61	AMD	155		60
287	2	AMD	79	E1	2	291	62	AMD	155		61
289	5	AMD	22		1	291	64	AMD	155		62
289	12	AMD	22		2	291	65	AMD	155		63
289	14	AMD	49		1	291	66	AMD	155		64
289	14	AMD	156		11	291	67	AMD	155		65
289	14	AMD	82	E1	1	291	68	AMD	155		66
289	15	AMD	53	E1	4	291	69	AMD	155		67
289	16	AMD	22		3	291	70	AMD	155		68
289	17	AMD	156		12	291	71	REP	155		86
290	2	REEN	13		1	291	73	AMD	155		69
291		ADD	155		14	291	74	AMD	155		70

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291	75	AMD	155	71	316	5	REP	99	73
291	77	AMD	155	72			(Eff. 6/30/84)		
293	7	AMD	45	E1	5	316	5	AMD	232
293	18	AMD	249	E1	5	316	6	REP	99
294	3	AMD	249	E1	4			(Eff. 6/30/84)	
294	17	AMD	249	E1	2	316	6	AMD	151
294	18	AMD	249	E1	1	316	6	AMD	232
294	20	AMD	249	E1	3	316	7	REP	99
295	16	AMD	249	E1	7			(Eff. 6/30/84)	
295	20	AMD	151	63	316	7	AMD	147	2
295	21	AMD	249	E1	6	316	7	AMD	232
296	1	REP	99	71	316	8	REP	99	73
			(Eff. 6/30/84)					(Eff. 6/30/84)	
297	1	REP	99	76	316	9	AMD	232	E1
			(Eff. 6/30/84)		316	21	AMD	136	E1
299	3	AMD	23	2	317	1	AMD	158	223
300	1	AMD	23	1	317	5	AMD	40	3
301	14	AMD	127	4	317	6	AMD	158	224
302	9	AMD	219	E1	10	317	8	AMD	158
304	1	AMD	115	E1	1	317	13	AMD	122
304	2	AMD	115	E1	2	317	14	AMD	151
304	3	AMD	115	E1	4	317	18	AMD	5
304	9	AMD	115	E1	5	317	19	AMD	5
304	12	REP	115	E1	6	317	21	REP	5
307	1	AMD	151	9	317	22	AMD	5	1
309	10	AMD	32	1	318	1	AMD	255	E1
309	13	AMD	32	2	318	2	AMD	255	E1
310	1	REP	99	78	318	3	AMD	255	E1
			(Eff. 6/30/84)		318	4	AMD	255	E1
310	1	AMD	242	E1	4	318	5	AMD	255
310	2	REP	99	78	319	2	AMD	158	75
			(Eff. 6/30/84)		319	3	AMD	158	76
310	2	AMD	242	E1	3	319	4	AMD	158
311	1	AMD	202	E1	1	319	5	AMD	158
311	2	AMD	202	E1	2	319	7	AMD	158
311	3	AMD	202	E1	3	321	4	AMD	147
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INITIATIVES TO THE PEOPLE

HISTORY OF STATE MEASURES FILED WITH THE SECRETARY OF STATE

INITIATIVES TO THE PEOPLE

- INITIATIVE MEASURE NO. 1 (**State-wide Prohibition**)--Filed January 2, 1914. Refiled as Initiative Measure No. 3.
- INITIATIVE MEASURE NO. 2 (**Eight Hour Law**)--Filed January 3, 1914. Refiled as Initiative Measure No. 5.
- *INITIATIVE MEASURE NO. 3 (**State-Wide Prohibition**)--Filed January 8, 1914. Submitted to the voters at the state general election held on November 3, 1914. Measure approved into law by the following vote: **For**--189,840 **Against**--171,208. Act is now identified as Chapter 2, Laws of 1915.
- INITIATIVE MEASURE NO. 4 (**Drugless Healers**)--Filed January 13, 1914. No petition filed.
- INITIATIVE MEASURE NO. 5 (**Eight Hour Law**)--Filed January 15, 1914. No petition filed. See Initiative Measure No. 13, covering same subject.
- INITIATIVE MEASURE NO. 6 (**Blue Sky Law**)--Filed January 30, 1914. Submitted to voters at the state general election held on November 3, 1914. Failed to pass by the following vote: **For**--142,017 **Against**--147,298.
- INITIATIVE MEASURE NO. 7 (**Abolishing Bureau of Inspection**)--Filed January 30, 1914. Submitted to the voters at the state general election held on November 3, 1914. Failed to pass by the following vote: **For**--117,882 **Against**--167,080.
- *INITIATIVE MEASURE NO. 8 (**Abolishing Employment Offices**)--Filed January 30, 1914. Submitted to the voters at the state general election held on November 3, 1914. Measure approved into law by the following vote: **For**--162,054 **Against**--144,544. Act is now identified as Chapter 1, Laws of 1915.
- INITIATIVE MEASURE NO. 9 (**First Aid to Injured**)--Filed January 29, 1914. Submitted to the voters at the state general election held on November 3, 1914. Failed to pass by the following vote: **For**--143,738 **Against**--154,166.
- INITIATIVE MEASURE NO. 10 (**Convict Labor Road Measure**)--Filed January 29, 1914. Submitted to the voters at the state general election held on November 3, 1914. Failed to pass by the following vote: **For**--111,805 **Against**--183,726.
- INITIATIVE MEASURE NO. 11 (**Fish Code**)--Filed January 29, 1914. Petition failed. Not enough valid signatures obtained to place the measure on the November 3, 1914 state general election ballot.
- INITIATIVE MEASURE NO. 12 (**Abolishing Tax Commission**)--Filed January 29, 1914. Petition failed. Not enough valid signatures obtained to place the measure on the November 3, 1914 state general election ballot.
- INITIATIVE MEASURE NO. 13 (**Eight Hour Law**)--Filed February 10, 1914. Submitted to the voters at the state general election held on November 3, 1914. Failed to pass by the following vote: **For**--118,881 **Against**--212,935.
- INITIATIVE MEASURE NO. 14 (**Legislative Reapportionment**)--Filed May 13, 1914. No petition filed.
- INITIATIVE MEASURE NO. 15 (**Fundamental Reform Act**)--Filed May 15, 1914. No petition filed.

*Indicates measure became law.

INITIATIVES TO THE PEOPLE

- INITIATIVE MEASURE NO. 16 (**Legislative Reapportionment**)—Filed May 20, 1914. No petition filed.
- INITIATIVE MEASURE NO. 17 (**State Road Measure**)—Filed June 13, 1914. No petition filed.
- INITIATIVE MEASURE NO. 18 (**Brewers' Hotel Bill**)—Filed December 14, 1914. The 1915 Legislature failed to take action, and as provided by the state constitution the measure then was submitted to the voters for final decision at the November 7, 1916 state general election. Measure was defeated by the following vote: **For—48,354 Against—263,390.**
(This initiative was erroneously numbered since it was actually an initiative to the Legislature. Now renumbered as Initiative to the Legislature No. 1A.)
- INITIATIVE MEASURE NO. 19 (**Nonpartisan Election and Presidential Primary**)—Filed February 11, 1916. No petition filed.
- INITIATIVE MEASURE NO. 20 (**First Aid**)—Filed February 11, 1916. No petition filed.
- INITIATIVE MEASURE NO. 21 (**Home Rule**)—Filed February 11, 1916. No petition filed.
- INITIATIVE MEASURE NO. 22 (**Fisheries Code**)—Filed February 11, 1916. No petition filed.
- INITIATIVE MEASURE NO. 23 (**Politicians' Code**)—Filed March 29, 1916. No petition filed.
- INITIATIVE MEASURE NO. 24 (**Brewers' Bill**)—Filed April 20, 1916. Submitted to the voters at the state general election held on November 7, 1916. Failed to pass by the following vote: **For—98,843 Against—245,399.**
- INITIATIVE MEASURE NO. 25 (**Repealing State-Wide Prohibition**)—Filed May 11, 1916. No petition filed.
- INITIATIVE MEASURE NO. 26 (**Making the State a Prohibition District**)—Filed October 13, 1916. No petition filed.
- INITIATIVE MEASURE NO. 27 (**Repealing Chapter 57, Laws of 1915, Relating to Regulation of Common Carriers**)—Filed October 13, 1916. No petition filed.
- INITIATIVE MEASURE NO. 28 (**Nonpartisan Elections**)—Filed October 26, 1916. No petition filed.
- INITIATIVE MEASURE NO. 29 (**Capitol Removal Bill**)—Filed November 27, 1916. No petition filed.
- INITIATIVE MEASURE NO. 30 (**Eight Hour Law**)—Filed January 9, 1918. No petition filed.
- INITIATIVE MEASURE NO. 31 (**Municipal Marketing Measure**)—Filed February 5, 1918. No petition filed.
- INITIATIVE MEASURE NO. 32 (**Picketing Measure**)—Filed February 5, 1918. No petition filed.
- INITIATIVE MEASURE NO. 33 (**Nonpartisan Elections and Presidential Primary**)—Filed February 5, 1918. No petition filed.
- INITIATIVE MEASURE NO. 34 (**Relating to Salmon Fishing**)—Filed February 8, 1918. No petition filed.
- INITIATIVE MEASURE NO. 35 (**Repealing Chapter 174, Laws of 1919, Relating to Prevention of Criminal Syndicalism**)—Filed October 7, 1920. Insufficient number of signatures on petition; failed.
- INITIATIVE MEASURE NO. 36 (**Municipal Marketing Measure**)—Filed November 16, 1920. No petition filed.

*Indicates measure became law.

INITIATIVES TO THE PEOPLE

- INITIATIVE MEASURE NO. 37 (Relating to Ownership of Land by Aliens)--Filed November 19, 1920. No petition filed.
- INITIATIVE MEASURE NO. 38 (Repealing Chapter 209, Laws of 1907, Relating to the Nomination of Candidates for Public Office)--Filed January 11, 1922. No petition filed.
- INITIATIVE MEASURE NO. 39 (Repealing Chapter 138, Laws of 1913, Relating to the Initiative Procedure)--Filed January 11, 1922. No petition filed.
- *INITIATIVE MEASURE NO. 40 (Repealing Chapter 174, Laws of 1921, Relating to the Poll Tax)--Filed January 18, 1922. Submitted to the voters at the state general election held on November 7, 1922. Measure approved into law by the following vote: For--193,356 Against--63,494. Act is now identified as Chapter 1, Laws of 1923.
- INITIATIVE MEASURE NO. 41 (Nonpartisan Elections)--Filed January 18, 1922. No petition filed.
- INITIATIVE MEASURE NO. 42 (Workmen's Compensation Measure)--Filed January 24, 1922. Same as Initiative Measure No. 47; no petition filed.
- INITIATIVE MEASURE NO. 43 (Relating to Injunctions in Labor Disputes)--Filed January 24, 1922. No petition filed.
- INITIATIVE MEASURE NO. 44 (Relating to Municipal Ownership)--Filed January 28, 1922. No petition filed.
- INITIATIVE MEASURE NO. 45 (Legislative Reapportionment)--Filed February 14, 1922. No petition filed.
- INITIATIVE MEASURE NO. 46 ("30-10" School Plan)--Filed February 21, 1922. Submitted to the voters at the state general election held on November 7, 1922. Failed to pass by the following vote: For--99,150 Against--150,114.
- INITIATIVE MEASURE NO. 47 (Workmen's Compensation Measure)--Filed March 27, 1922. No petition filed.
- INITIATIVE MEASURE NO. 48 (Compulsory School Attendance)--Filed January 7, 1924. No petition filed.
- INITIATIVE MEASURE NO. 49 (Compulsory School Attendance)--Filed January 15, 1924. Submitted to the voters at the state general election held on November 4, 1924. Failed to pass by the following vote: For--158,922 Against--221,500.
- INITIATIVE MEASURE NO. 50 (Limitation of Taxation)--Filed February 21, 1924. Submitted to the voters at the state general election held on November 4, 1924. Failed to pass by the following vote: For--128,677 Against--211,948.
- INITIATIVE MEASURE NO. 51 (Pertaining to Salmon Fishing)--Filed April 2, 1924. No petition filed.
- INITIATIVE MEASURE NO. 52 (Electric Power Measure)--Filed April 8, 1924. Submitted to the voters at the state general election held on November 4, 1924. Failed to pass by the following vote: For--139,492 Against--217,393.
- INITIATIVE MEASURE NO. 53 (Relating to Sanipractic)--Filed February 4, 1926. No petition filed.
- INITIATIVE MEASURE NO. 54 (State Commission to License and Regulate Horse-Racing, Pool-Selling, etc.--Parimutuel Measure)--Filed February 5, 1926. No petition filed.
- INITIATIVE MEASURE NO. 55 (Prohibiting Use of Purse Seines, Fish Traps, Fish Wheels, etc.)--Filed February 16, 1928. No petition filed.
- INITIATIVE MEASURE NO. 56 (Redistricting State For Legislative Purposes)--Filed April 24, 1930. Refiled as Initiative Measure No. 57.

*Indicates measure became law.

INITIATIVES TO THE PEOPLE

- ***INITIATIVE MEASURE NO. 57 (Redistricting State for Legislative Purposes)**—Filed April 25, 1930. Submitted to the voters at the state general election held on November 4, 1930. Measure approved into law by the following vote: **For**—116,436 **Against**—115,641. Act is now identified as Chapter 2, Laws of 1931.
- ***INITIATIVE MEASURE NO. 58 (Permanent Registration)**—Filed January 9, 1932. Submitted to the voters at the state general election held on November 8, 1932. Measure approved into law by the following vote: **For**—372,061 **Against**—75,381. Act is now identified as Chapter 1, Laws of 1933.
- INITIATIVE MEASURE NO. 59 (**Tax Free Homes**)—Filed January 9, 1932. No petition filed.
- INITIATIVE MEASURE NO. 60 (**Licensing of Mercantile Establishments**)—Filed January 9, 1932. No petition filed.
- ***INITIATIVE MEASURE NO. 61 (Relating to Intoxicating Liquors)**—Filed January 9, 1932. Submitted to the voters at the state general election held on November 8, 1932. Measure approved into law by the following vote: **For**—341,450 **Against**—208,211. Act is now identified as Chapter 2, Laws of 1933.
- ***INITIATIVE MEASURE NO. 62 (Creating Department of Game)**—Filed January 9, 1932. Submitted to the voters at the state general election held on November 8, 1932. Measure approved into law by the following vote: **For**—270,421 **Against**—231,863. Act is now identified as Chapter 3, Laws of 1933.
- INITIATIVE MEASURE NO. 63 (**Exemption of Homes from Taxation**)—Filed January 9, 1932. No petition filed.
- ***INITIATIVE MEASURE NO. 64 (Limits Tax Levy on Real and Personal Property to 40 Mills)**—Filed January 9, 1932. Submitted to the voters at the state general election held on November 8, 1932. Measure approved into law by the following vote: **For**—303,384 **Against**—190,619. Act is now identified as Chapter 4, Laws of 1933.
- INITIATIVE MEASURE NO. 65 (**Cascade Mountain Tunnel**)—Filed February 19, 1932. No petition filed.
- INITIATIVE MEASURE NO. 66 (**Scientific Birth Control**)—Filed February 26, 1932. No petition filed.
- INITIATIVE MEASURE NO. 67 (**Abolishes Excise Tax on Butter Substitutes**)—Filed March 7, 1932. No petition filed.
- INITIATIVE MEASURE NO. 68 (**Unemployment Insurance**)—Filed March 21, 1932. No petition filed.
- ***INITIATIVE MEASURE NO. 69 (Income Tax Measure)**—Filed March 22, 1932. Submitted to the voters at the state general election held on November 8, 1932. Measure approved into law by the following vote: **For**—322,919 **Against**—136,983. Act is now identified as Chapter 5, Laws of 1933.
- INITIATIVE MEASURE NO. 70 (**Compulsory Military Training Prohibited**)—Filed April 4, 1932. No petition filed.
- INITIATIVE MEASURE NO. 71 (**Liquor Control**)—Filed January 8, 1934. No petition filed.
- INITIATIVE MEASURE NO. 72 (**Distribution of Highway Funds**)—Filed January 8, 1934. No petition filed.
- INITIATIVE MEASURE NO. 73 (**Catching of Fish**)—Filed January 8, 1934. No petition filed.
- INITIATIVE MEASURE NO. 74 (**Tax Free Homes**)—Filed January 8, 1934. No petition filed.

*Indicates measure became law.

INITIATIVES TO THE PEOPLE

- INITIATIVE MEASURE NO. 75 (**Unemployment Insurance**)—Filed January 19, 1934. No petition filed.
- INITIATIVE MEASURE NO. 76 (**Tax Free Homes**)—Filed January 22, 1934. No petition filed.
- *INITIATIVE MEASURE NO. 77 (**Fish Traps and Fishing Regulations**)—Filed February 1, 1934. Submitted to the voters at the state general election held on November 6, 1934. Measure approved into law by the following vote: **For**--275,507 **Against**--153,811. Act is now identified as Chapter 1, Laws of 1935.
- INITIATIVE MEASURE NO. 78 (**Distribution of Highway Funds**)—Filed February 9, 1934. No petition filed.
- INITIATIVE MEASURE NO. 79 (**Liquor Control**)—Filed February 20, 1934. No petition filed.
- INITIATIVE MEASURE NO. 80 (**Liquor Control**)—Filed February 24, 1934. No petition filed.
- INITIATIVE MEASURE NO. 81 (**Liquor Control**)—Filed February 28, 1934. No petition filed.
- INITIATIVE MEASURE NO. 82 (**Fishing Regulations**)—Filed March 10, 1934. No petition filed.
- INITIATIVE MEASURE NO. 83 (**State Sale of Gasoline**)—Filed March 16, 1934. No petition filed.
- INITIATIVE MEASURE NO. 84 (**Blanket Primary**)—Filed March 17, 1934. No petition filed.
- INITIATIVE MEASURE NO. 85 (**State Fire Insurance**)—Filed March 17, 1934. No petition filed.
- INITIATIVE MEASURE NO. 86 (**State Fire Insurance**)—Filed March 21, 1934. No petition filed.
- INITIATIVE MEASURE NO. 87 (**Workmen's Compensation**)—Filed March 22, 1934. No petition filed.
- INITIATIVE MEASURE NO. 88 (**Liquor Control**)—Filed March 24, 1934. No petition filed.
- INITIATIVE MEASURE NO. 89 (**One Man Grand Jury**)—Filed March 30, 1934. No petition filed.
- INITIATIVE MEASURE NO. 90 (**Criminal Appeals**)—Filed March 30, 1934. No petition filed.
- INITIATIVE MEASURE NO. 91 (**Regulating Motor Carriers**)—Filed March 31, 1934. No petition filed.
- INITIATIVE MEASURE NO. 92 (**Regulating Motor Carriers**)—Filed April 9, 1934. No petition filed.
- INITIATIVE MEASURE NO. 93 (**Distribution of Highway Funds**)—Filed May 10, 1934. Insufficient number of signatures on petition; failed.
- *INITIATIVE MEASURE NO. 94 (**40-Mill Tax Limit**)—Filed May 18, 1934. Submitted to the voters at the state general election held on November 6, 1934. Measure approved into law by the following vote: **For**--219,635 **Against**--192,168. Act is now identified as Chapter 2, Laws of 1935.
- INITIATIVE MEASURE NO. 95 (**Liquor Control**)—Filed May 26, 1934. No petition filed.
- INITIATIVE MEASURE NO. 96 (**Repeal of Business Occupation Tax**)—Filed June 4, 1934. No petition filed.

*Indicates measure became law.

INITIATIVES TO THE PEOPLE

- INITIATIVE MEASURE NO. 97 (**Dog Racing**)--Filed June 7, 1934. Insufficient number of signatures on petition; failed.
- INITIATIVE MEASURE NO. 98 (**Business and Occupation Tax**)--Filed January 4, 1936. No petition filed.
- INITIATIVE MEASURE NO. 99 (**Distribution of Highway Funds**)--Filed January 4, 1936. No petition filed.
- INITIATIVE MEASURE NO. 100 (**40-Mill Tax Limit**)--Filed January 4, 1936. No petition filed.
- INITIATIVE MEASURE NO. 101 (**Civil Service**)--Filed January 14, 1936. Submitted to the voters at the state general election held on November 3, 1936. Failed to pass by the following vote: **For**--208,904 **Against**--300,274.
- INITIATIVE MEASURE NO. 102 (**Creating "State Government Bank" Department**)--Filed January 21, 1936. No petition filed.
- INITIATIVE MEASURE NO. 103 (**Old Age Pension**)--Filed January 17, 1936. No petition filed.
- INITIATIVE MEASURE NO. 104 (**Tax on Gasoline**)--Filed February 27, 1936. No petition filed.
- INITIATIVE MEASURE NO. 105 (**Relating to Gill Nets**)--Filed March 3, 1936. No petition filed.
- INITIATIVE MEASURE NO. 106 (**Voter's Identification Certificate**)--Filed March 3, 1936. No petition filed.
- INITIATIVE MEASURE NO. 107 (**Tax on Gasoline**)--Filed March 7, 1936. No petition filed.
- INITIATIVE MEASURE NO. 108 (**40-Mill Tax Limit**)--Filed March 12, 1936. No petition filed.
- INITIATIVE MEASURE NO. 109 (**Admission of Sick to Hospitals**)--Filed March 14, 1936. No petition filed.
- INITIATIVE MEASURE NO. 110 (**Annuity for Crippled and Blind**)--Filed March 27, 1936. No petition filed.
- INITIATIVE MEASURE NO. 111 (**Admission of Sick to Hospitals**)--Filed April 8, 1936. No petition filed.
- INITIATIVE MEASURE NO. 112 (**Abolishing Compulsory Military Training**)--Filed April 9, 1936. No petition filed.
- INITIATIVE MEASURE NO. 113 (**Tax on Gasoline**)--Filed April 15, 1936. No petition filed.
- *INITIATIVE MEASURE NO. 114 (**40-Mill Tax Limit**)--Filed April 21, 1936. Submitted to the voters at the state general election held on November 3, 1936. Measure approved into law by the following vote: **For**--417,641 **Against**--120,478. Act is now identified as Chapter 1, Laws of 1937.
- INITIATIVE MEASURE NO. 115 (**Old Age Pension**)--Filed April 21, 1936. Submitted to the voters at the state general election held on November 3, 1936. Failed to pass by the following vote: **For**--153,551 **Against**--354,162.
- INITIATIVE MEASURE NO. 116 (**Tax on Gasoline**)--Filed April 24, 1936. No petition filed.
- INITIATIVE MEASURE NO. 117 (**Production for Use**)--Filed May 1, 1936. No petition filed.
- INITIATIVE MEASURE NO. 118 (**Liens for Labor**)--Filed May 5, 1936. No petition filed.

*Indicates measure became law.

INITIATIVES TO THE PEOPLE

- INITIATIVE MEASURE NO. 119 (**Production for Use**)—Filed May 9, 1936. Submitted to the voters at the state general election held on November 3, 1936. Failed to pass by the following vote: **For**—97,329 **Against**—370,140.
- INITIATIVE MEASURE NO. 120 (**Tax on Gasoline**)—Filed May 11, 1936. No petition filed.
- INITIATIVE MEASURE NO. 121 (**Beer on Sunday**)—Filed May 14, 1936. No petition filed.
- INITIATIVE MEASURE NO. 122 (**Pertaining to Bribery and Grafting**)—Filed May 21, 1936. No petition filed.
- INITIATIVE MEASURE NO. 123 (**Business and Occupation Tax**)—Filed January 27, 1938. No petition filed.
- INITIATIVE MEASURE NO. 124 (**Distribution of Highway Funds**)—Filed February 9, 1938. No petition filed.
- INITIATIVE MEASURE NO. 125 (**Tax on Intoxicating Liquors**)—Filed February 15, 1938. No petition filed.
- *INITIATIVE MEASURE NO. 126 (**Nonpartisan School Election**)—Filed February 24, 1938. Submitted to the voters at the state general election held on November 8, 1938. Measure approved into law by the following vote: **For**—293,202 **Against**—153,142. Act is now identified as Chapter 1, Laws of 1939.
- INITIATIVE MEASURE NO. 127 (**Distribution of Highway Funds**)—Filed March 14, 1938. No petition filed.
- INITIATIVE MEASURE NO. 128 (**Civil Service**)—Filed March 14, 1938. No petition filed.
- *INITIATIVE MEASURE NO. 129 (**40-Mill Tax Limit**)—Filed March 18, 1938. Submitted to the voters at the state general election held on November 8, 1938. Measure approved into law by the following vote: **For**—340,296 **Against**—149,534. Act is now identified as Chapter 2, Laws of 1939.
- INITIATIVE MEASURE NO. 130 (**Regulation of Labor Disputes**)—Filed April 6, 1938. Submitted to the voters at the state general election held on November 8, 1938. Failed by the following vote: **For**—268,848 **Against**—295,431.
- INITIATIVE MEASURE NO. 131 (**Civil Service**)—Filed April 7, 1938. No petition filed.
- INITIATIVE MEASURE NO. 132 (**Old Age Assistance**)—Filed April 12, 1938. No petition filed.
- INITIATIVE MEASURE NO. 133 (**Relating to Licensing Gambling**)—Filed April 15, 1938. No petition filed.
- INITIATIVE MEASURE NO. 134 (**Old Age Assistance**)—Filed April 19, 1938. No petition filed.
- INITIATIVE MEASURE NO. 135 (**40-Mill Tax Limit**)—Filed May 14, 1938. Insufficient number of signatures on petition; failed.
- INITIATIVE MEASURE NO. 136 (**Relating to Retail Beer and Wine Licenses**)—Filed June 3, 1938. No petition filed.
- INITIATIVE MEASURE NO. 137 (**Relating to Gambling**)—Filed June 9, 1938. No petition filed.
- INITIATIVE MEASURE NO. 138 (**Relating to Gambling**)—Filed June 13, 1938. No petition filed.
- INITIATIVE MEASURE NO. 139 (**P. U. D. Bonds**)—Filed January 5, 1940. Submitted to the voters at the state general election held on November 5, 1940. Failed by the following vote: **For**—253,318 **Against**—362,508.
- INITIATIVE MEASURE NO. 140 (**Liquor Control**)—Filed January 9, 1940. No petition filed.

*Indicates measure became law.

INITIATIVES TO THE PEOPLE

- *INITIATIVE MEASURE NO. 141 (Old Age Pension)**--Filed January 11, 1940. Submitted to the voters at the state general election held on November 5, 1940. Measure approved into law by the following vote: **For--358,009 Against--258,819**. Act is now identified as Chapter 1, Laws of 1941.
- INITIATIVE MEASURE NO. 142 (Chain Store Tax)**--Filed January 16, 1940. No petition filed.
- INITIATIVE MEASURE NO. 143 (Relating to State Sale of Gas and Oil)**--Filed February 2, 1940. No petition filed.
- INITIATIVE MEASURE NO. 144 (Unicameral Legislature)**--Filed February 23, 1940. Withdrawn. Refiled as Initiative Measure No. 147.
- INITIATIVE MEASURE NO. 145 (Government Reorganization)**--Filed March 18, 1940. No petition filed.
- INITIATIVE MEASURE NO. 146 (Relating to Sabbath Breaking)**--Filed March 22, 1940. No petition filed.
- INITIATIVE MEASURE NO. 147 (Unicameral Legislature)**--Filed April 9, 1940. No petition filed.
- INITIATIVE MEASURE NO. 148 (Liquor Control)**--Filed May 18, 1940. No petition filed.
- INITIATIVE MEASURE NO. 149 (Anti-Subversive Activities)**--Filed May 23, 1940. No petition filed.
- INITIATIVE MEASURE NO. 150 (Intoxicating Liquor Sold by the Drink)**--Filed January 3, 1942. No petition filed.
- INITIATIVE MEASURE NO. 151 (Old Age Assistance)**--Filed January 3, 1942. Submitted to the voters at the state general election held on November 3, 1942. Failed to pass by the following vote: **For--160,084 Against--225,027**.
- INITIATIVE MEASURE NO. 152 (Creating State Elective Offices of Director of Labor and Industries, Director of Social Security and Director of Agriculture)**--Filed January 27, 1942. No petition filed.
- INITIATIVE MEASURE NO. 153 (Reconstitution of Board of State Land Commissioners)**--Filed February 24, 1942. No petition filed.
- INITIATIVE MEASURE NO. 154 (After Discharge Benefits to Persons in the Armed Forces)**--Filed April 28, 1942. No petition filed.
- INITIATIVE MEASURE NO. 155 (Washington Employment Peace Act)**--Filed January 10, 1944. No petition filed.
- INITIATIVE MEASURE NO. 156 (Liberalization of Old Age Assistance Laws)**--Filed February 19, 1944. Refiled as Initiative Measure No. 157.
- INITIATIVE MEASURE NO. 157 (Liberalization of Old Age Assistance Laws)**--Filed March 3, 1944. Submitted to the voters at the state general election November 7, 1944. Failed to pass by the following vote: **For--240,565 Against--403,756**.
- INITIATIVE MEASURE NO. 158 (Liberalization of Old Age Assistance Laws by the Townsend Clubs of Washington)**--Filed March 28, 1944. Submitted to the voters at the state general election November 7, 1944. Failed to pass by the following vote: **For--184,405 Against--437,502**.
- INITIATIVE MEASURE NO. 159 (Increase of Injured Workmen's Compensation)**--Filed January 5, 1946. Insufficient signatures presented July 10, 1946, and measure not certified to general election ballot.
- INITIATIVE MEASURE NO. 160 (Increase of Injured Workmen's Compensation)**--Filed January 5, 1946. No petition filed.

*Indicates measure became law.

INITIATIVES TO THE PEOPLE

- INITIATIVE MEASURE NO. 161 (**Changing Form of General Election Ballot to Conform with Primary Election Ballot**)--Filed January 5, 1946. No petition filed.
- INITIATIVE MEASURE NO. 162 (**Prohibiting the Governor from Employing Members of the Legislature During the Term for Which He Shall Have Been Elected**)--Filed January 5, 1946. No petition filed.
- INITIATIVE MEASURE NO. 163 (**Prohibiting the Sale of Beer or Wine by any Person other than the State of Washington**)--Filed January 9, 1946. Insufficient signatures presented July 6, 1946, and measure not certified to general election ballot.
- INITIATIVE MEASURE NO. 164 (**Prohibiting the Sale of Fortified Wines**)--Filed February 25, 1946. No petition filed.
- INITIATIVE MEASURE NO. 165 (**Providing for the Sale of Liquor by the Drink**)--Filed March 1, 1946. Insufficient signatures presented July 8, 1946, and measure not certified to general election ballot.
- INITIATIVE MEASURE NO. 166 (**Relating to Public Utility Districts; requiring approval of voters as prerequisite to acquisition of any operating electrical utility properties, etc.**)--Filed April 24, 1946. Signature petitions filed June 29, 1946, submitted to the voters at the state general election held on November 5, 1946. Failed by the following vote: **For--220,239 Against--367,836.**
- INITIATIVE MEASURE NO. 167 (**Providing Liquor by the Drink at Licensed Establishments**)--Filed January 2, 1948. Insufficient valid signatures presented July 6, 1948, and measure not certified to state general election ballot.
- INITIATIVE MEASURE NO. 168 (**Providing Liquor by the Drink for Consumption on Premises Where Sold**)--Filed January 2, 1948. No signature petitions presented for checking.
- *INITIATIVE MEASURE NO. 169 (**Providing Bonus to Veterans of World War II**)--Filed January 2, 1948. Signature petitions filed July 9, 1948, and found sufficient. Submitted to the voters at the state general election held on November 2, 1948. Measure approved into law by the following vote: **For--438,518 Against--337,410.** However, State Supreme Court ruled measure unconstitutional February 4, 1949. As consequence similar measure passed into law by 1949 Legislature (Chapter 180, Laws of 1949).
- INITIATIVE MEASURE NO. 170 (**Relating to Liberalization of Social Security Laws**)--Filed January 13, 1948. Because sponsor desired changes in text of proposed law, measure refiled as Initiative Measure No. 172.
- *INITIATIVE MEASURE NO. 171 (**Providing Liquor by the Drink with Certain Restrictions**)--Filed January 19, 1948. Signature petitions filed July 7, 1948, and found sufficient. Submitted to the voters at the state general election held on November 2, 1948. Measure approved into law by the following vote: **For--416,227 Against--373,418.** Act is now identified as Chapter 5, Laws of 1949.
- *INITIATIVE MEASURE NO. 172 (**Relating to Liberalization of Social Security Laws**)--Filed February 26, 1948. Signature petitions filed July 9, 1948, and found sufficient. Submitted to the voters at the state general election held on November 2, 1948. Measure approved into law by the following vote: **For--420,751 Against--352,642.** Act is now identified as Chapter 6, Laws of 1949.
- INITIATIVE MEASURE NO. 173 (**Providing for the Observance of Daylight Saving Time in the State of Washington**)--Filed May 20, 1948. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 174 (**Making application to Congress to call a Convention for the sole purpose of proposing an amendment to the Constitution of the United States to expedite and insure participation of the United States in a world federal government**)--Filed January 16, 1950. No signature petitions presented for checking.

*Indicates measure became law.

INITIATIVES TO THE PEOPLE

- INITIATIVE MEASURE NO. 175 (Establishing a Department of Youth Protection to operate the Washington State Training School and the State School for Girls under nonpartisan control)—Filed March 31, 1950. No signature petitions presented for canvassing. Essential provisions of this measure enacted by the 1951 Legislature (Chapter 234, Laws of 1951).
- INITIATIVE MEASURE NO. 176 (Increasing to sixty-five dollars monthly the minimum grant for certain categories of public assistance, otherwise extending the social security program, and making an appropriation)—Filed April 20, 1950. Submitted to the voters at the state general election held on November 7, 1950. Failed to pass by the following vote: For—159,400 Against—534,689.
- INITIATIVE MEASURE NO. 177—Filed May 1, 1950. Refiled May 5, 1950, as Initiative Measure No. 178.
- *INITIATIVE MEASURE NO. 178 (Modifying the Citizens' Security Act of 1948 (Initiative Measure No. 172) and transferring the public assistance medical program to the State Department of Health)—Filed May 5, 1950. Submitted to the voters at the state general election held on November 7, 1950. Measure approved into law by the following vote: For—394,261 Against—296,290. Act is now identified as Chapter 1, Laws of 1951.
- INITIATIVE MEASURE NO. 179 (Liberalizing unemployment compensation benefits and repealing that portion of the Unemployment Compensation Act providing for employer experience rating)—Filed May 5, 1950. No signature petitions presented for checking.
- *INITIATIVE MEASURE NO. 180 (Authorizing the Manufacture, Sale and Use of Colored Oleomargarine)—Filed February 4, 1952. Submitted to the voters at the state general election held on November 4, 1952. Measure approved into law by the following vote: For—836,580 Against—163,752. Act is now identified as Chapter 1, Laws of 1953.
- *INITIATIVE MEASURE NO. 181 (Prescribing the Observance of Standard Time)—Filed February 27, 1952. Submitted to the voters at the state general election held on November 4, 1952. Measure approved into law by the following vote: For—597,558 Against—397,928. Act is now identified as Chapter 2, Laws of 1953.
- INITIATIVE MEASURE NO. 182 (Repealing Sunday Blue Laws)—Filed March 24, 1952. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 183 (Petitioning Congress to declare a policy of the United States to live in peaceful coexistence with other nations and to call a conference of the heads of leading nations to negotiate a settlement of existing differences)—Filed March 26, 1952. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 184 (Liberalizing Old Age Pension Laws)—Filed April 3, 1952. Submitted to the voters at the state general election held on November 4, 1952. Failed by the following vote: For—265,193 Against—646,534.
- INITIATIVE MEASURE NO. 185 (Liberalizing Old Age Pension Laws)—Filed April 11, 1952. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 186 (Providing a Civil Service System for Employees of County Sheriffs)—Filed April 14, 1952. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 187 (Permitting a Modified Coloring of Oleomargarine)—Filed May 15, 1952. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 188 (Raising Standards for Chiropractic Examinations)—Filed January 4, 1954. Submitted to the voters at the state general election held on November 2, 1954. Failed by the following vote: For—320,179 Against—493,108.
- INITIATIVE MEASURE NO. 189 (Legislative Reapportionment)—Filed January 4, 1954. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 190 (Presidential Preference Primary)—Filed January 6, 1954. No signature petitions presented for checking.

*Indicates measure became law.

INITIATIVES TO THE PEOPLE

- INITIATIVE MEASURE NO. 191 (**Attorneys' Fees in Probate**)--Filed January 21, 1954. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 192 (**Regulation of Commercial Salmon Fishing**)--Filed February 16, 1954. Submitted to the voters at the state general election held on November 2, 1954. Failed by the following vote: **For**--237,004 **Against**--555,151.
- INITIATIVE MEASURE NO. 193 (**State-Wide Daylight Saving Time**)--Filed February 23, 1954. Submitted to the voters at the state general election held on November 2, 1954. Failed by the following vote: **For**--370,005 **Against**--457,529.
- INITIATIVE MEASURE NO. 194 (**Restricting Television Alcoholic Beverage Advertising**)--Filed March 26, 1954. Submitted to the voters at the state general election held on November 2, 1954. Failed by the following vote: **For**--207,746 **Against**--615,794.
- INITIATIVE MEASURE NO. 195 (**State Toll Commission**)--Filed March 30, 1954. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 196 (**Amending the Unemployment Compensation Act**)--Filed April 23, 1954. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 197 (**Restricting Dams: Columbia River Tributaries**)--Filed May 12, 1954. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 198 (**Affecting Employer-Employee Relations**)--Filed January 19, 1956. Submitted to the voters at the state general election held on November 6, 1956. Failed to pass by the following vote: **For**--329,653 **Against**--704,903.
- *INITIATIVE MEASURE NO. 199 (**Legislative Reapportionment and Redistricting**)--Filed February 16, 1956. Submitted to the voters at the November 6, 1956 state general election. Measure approved into law by the following vote: **For**--448,121 **Against**--406,287. However, 1957 Legislature extensively amended this act by passing Chapter 289, Laws of 1957 by two-thirds approval of both branches of the Legislature.
- INITIATIVE MEASURE NO. 200 (**Increasing Public Assistance Benefits**)--Filed February 27, 1956. No signature petitions submitted for checking.
- INITIATIVE MEASURE NO. 201 (**Washington Fair Labor Standards Act**)--Filed March 2, 1956. No signature petitions submitted for checking.
- INITIATIVE MEASURE NO. 202 (**Restricting Labor Agreements**)--Filed January 6, 1958. Signature petitions filed July 3, 1958 and found sufficient. Submitted to voters at the state general election held on November 4, 1958. Failed by the following vote: **For**--339,742 **Against**--596,949.
- INITIATIVE MEASURE NO. 203 (**Wood Pulp Waste Tax**)--Filed February 28, 1959. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 204 (**Civil Service for State Employees**)--Filed January 8, 1960. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 205 (**Authorizing Tavern Spirituous Liquor Licenses**)--Filed January 8, 1960. Signature petitions filed July 8, 1960 and found sufficient. Submitted to the voters at the November 8, 1960 state general election. Failed by the following vote: **For**--357,455 **Against**--799,643.
- INITIATIVE MEASURE NO. 206 (**Authorizing and Licensing "Dentistry"**)--Filed January 11, 1960. No signature petitions presented for checking.
- *INITIATIVE MEASURE NO. 207 (**Civil Service for State Employees**)--Filed January 13, 1960. Signature petitions filed July 8, 1960 and found sufficient. Submitted to the voters at the November 8, 1960 state general election. Measure approved into law by the following vote: **For**--606,511 **Against**--471,730. Act is now identified as Chapter 1, Laws of 1961.

*Indicates measure became law.

INITIATIVES TO THE PEOPLE

- *INITIATIVE MEASURE NO. 208 (Authorizing Joint Tenancies in Property)**—Filed January 13, 1960. Signature petitions filed July 8, 1960 and found sufficient. Submitted to the voters at the November 8, 1960 state general election. Measure approved into law by the following vote: **For**—647,529 **Against**—430,698. Act is now identified as Chapter 2, Laws of 1961.
- INITIATIVE MEASURE NO. 209 (Minimum Old Age Assistance Grants)**—Filed February 8, 1960. No signature petitions presented for checking.
- *INITIATIVE MEASURE NO. 210 (State-Wide Daylight Saving Time)**—Filed April 15, 1960. Signature petitions filed July 8, 1960 and found sufficient. Submitted to the voters at the November 8, 1960 state general election. Measure approved into law by the following vote: **For**—596,135 **Against**—556,623. Act is now identified as Chapter 3, Laws of 1961.
- INITIATIVE MEASURE NO. 211 (State Legislative Reapportionment and Redistricting)**—Filed January 8, 1962 by the League of Women Voters of Washington. Signature petitions filed on June 29, 1962 and as of August 22, 1962 it was determined that the necessary number of valid signatures had been submitted to certify measure to the voters for decision at the 1962 state general election. Measure was rejected by the voters by the vote: **For**—396,419 **Against**—441,085.
- INITIATIVE MEASURE NO. 212 (Repealing Certain 1961 Tax Laws)**—Filed January 8, 1962 by the Citizens' Tax Revolt Group. Campaign for supporting signatures was not successful and, as a consequence, no signature petition sheets were filed for checking.
- INITIATIVE MEASURE NO. 213 (Authorizing and Licensing "Dentistry")**—Filed January 8, 1962 by the Washington Society of Denturists. Campaign for supporting signatures was not successful and, as a consequence, no signature petition sheets were filed for checking.
- INITIATIVE MEASURE NO. 214 (Restricting the Legislature's Tax Power)**—Filed February 19, 1962 by the Citizens' Tax Revolt Group. Campaign for supporting signatures was not successful and, as a consequence, no signature petition sheets were filed for checking.
- *INITIATIVE MEASURE NO. 215 (Marine Recreation Land Act)**—Filed January 3, 1964 by the Citizens for Outdoor Recreation—Marvin B. Durning, Chairman. Signature petitions filed July 3, 1964 and found sufficient. Submitted to the voters at the November 3, 1964 state general election. Measure approved into law by the following vote: **For**—665,737 **Against**—381,743. Act is now identified as Chapter 5, Laws of 1965.
- INITIATIVE MEASURE NO. 216 (Repeal—County, Regional Planning Act)**—Filed January 3, 1964 by the Committee for Private Property Rights—Joseph W. Shott, Chairman. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 217 (Election of State Game Commissioners)**—Filed January 8, 1964 by the Washington State Wild Life Council, Inc.—Theodore E. Lohman, Vice President. Refiled as Initiative Measure No. 221.
- INITIATIVE MEASURE NO. 218 (Automotive Repair Regulatory Act)**—Filed January 10, 1964 by the Car Owners Association of Washington—John S. Kelly, President. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 219 (Repeal of Metro Enabling Act)**—Filed January 20, 1964 by the Committee on Constitutional Rights of the State of Washington—Mrs. Ann Katheryn Jensen, Chairman. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 220 (Repeal of Urban Renewal Law)**—Filed January 20, 1964 by the Committee on Constitutional Rights of the State of Washington—Mrs. Ann Katheryn Jensen, Chairman. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 221 (Election of State Game Commissioners)**—Filed February 13, 1964 by the Washington State Wild Life Council, Inc.—Theodore E. Lohman, Vice President. No signature petitions presented for checking.

*Indicates measure became law.

INITIATIVES TO THE PEOPLE

- INITIATIVE MEASURE NO. 222 (**Reallocation of Liquor Sales Revenue**)—Filed February 20, 1964 by the More & Better Schools for Washington—Lloyd M. Brown, President. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 223 (**Extending Saturday Night Closing Hours**)—Filed February 26, 1964 by the Citizens Committee for Sensible Closing Hours—Chester W. Ramage, President. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 224 (**Prohibiting City Street Parking Fees**)—Filed March 31, 1964 by the Committee to Ban Parking Meters in the State of Washington—Edward John Kiter, Chairman. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 225 (**Repealing State Statutes Against Discrimination**)—Filed April 23, 1964 by the Committee for Preservation of Freedom of Choice—William P. Brophy, Chairman. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 226 (**Cities Sharing Sales, Use Taxes**)—Filed January 10, 1966 by the Citizens' Committee for Community Betterment, Wayne C. Booth, Sr. of Seattle, Chairman. Signatures (180,896) filed July 8, 1966 and found sufficient. Measure submitted to the voters for decision at the November 8, 1966 state general election and rejected by the following vote: **For**—403,700 **Against**—514,281.
- INITIATIVE MEASURE NO. 227 (**Buying Back Breakable Beverage Bottles**)—Filed January 10, 1966 by W. N. Dahmen on behalf of his son Randall Douglas Dahmen of Spokane. No signatures presented for checking.
- INITIATIVE MEASURE NO. 228 (**Tax Exemption: Food and Medicine**)—Filed February 1, 1966 by Karl J. Beaty of Tacoma. No signatures presented for checking.
- *INITIATIVE MEASURE NO. 229 (**Repealing Sunday Activities Blue Law**)—Filed February 17, 1966 by Lembhard G. Howell, David Sternhoff and Mark Patterson. Signatures (187,463) filed July 6, 1966 and found sufficient. Measure submitted to the voters for decision at the November 8, 1966 state general election and approved into law by the following vote: **For**—604,096 **Against**—333,972. Act is now identified as Chapter 1, Laws of 1967.
- INITIATIVE MEASURE NO. 230 (**Rendering Emergency Aid—Liability Limitation**)—Filed February 17, 1966 and cosponsored jointly by the Washington State Association of Fire Chiefs, Washington State Firemen's Association, and Washington Association of Sheriffs and Police Chiefs. No signatures presented for checking.
- INITIATIVE MEASURE NO. 231 (**Repealing Freight Train Crew Law**)—Filed March 11, 1966 by the Committee for Transportation Economy—Fred H. Tolan, Chairman. **Refiled as Initiative Measure No. 233.**
- INITIATIVE MEASURE NO. 232 (**Supreme Court Judges—Powers—Election**)—Filed March 14, 1966 by Walter H. Philipp of Seattle. No signatures presented for checking. **Refiled as Initiative Measure No. 31 to the Legislature.**
- *INITIATIVE MEASURE NO. 233 (**Repealing Freight Train Crew Law**)—Filed March 22, 1966 by same sponsors of Initiative Measure No. 231. The only change in text of Initiative Measure No. 233 was the deletion of one sentence of the preamble as contained in Section 1 of Initiative Measure No. 231. Thus, for all practical purposes, the two initiative measures cover the same legal ground. Signatures (166,866) filed July 6, 1966 and found to be sufficient. Measure submitted to the voters for decision at the November 8, 1966 state general election and approved into law by the following vote: **For**—591,015 **Against**—339,978. Act is now identified as Chapter 2, Laws of 1967.
- INITIATIVE MEASURE NO. 234 (**Civil Service—Certain County Employees**)—Filed March 30, 1966 by the Committee to Improve County Government. The scope of this measure was limited to class AA and class A counties (King, Pierce and Spokane). In order to obtain additional support, a new proposal was drafted extending civil service to all counties and filed as Initiative Measure No. 237. For this reason, no attempt was made to obtain signatures for Initiative Measure No. 234.

*Indicates measure became law.

INITIATIVES TO THE PEOPLE

- INITIATIVE MEASURE NO. 235 (**Repealing Certain Mental Health Laws**)—Filed April 1, 1966 by Mrs. Rose R. Garrett Nelson of Puyallup. No signatures presented for checking.
- INITIATIVE MEASURE NO. 236 (**Regulating Highway—Railroad Crossings**)—Filed April 15, 1966 by the Committee for the Elimination of Public Grade Crossings—Arthur J. McGinn of Spokane, Chairman. No signatures presented for checking.
- INITIATIVE MEASURE NO. 237 (**Civil Service for County Employees**)—Filed April 15, 1966 by the Committee to Improve County Government—Anne Shannon of Des Moines, Secretary. No signatures presented for checking.
- INITIATIVE MEASURE NO. 238 (**Prohibiting Regulation of Land Use**)—Filed January 5, 1968 by the Committee for Private Property Rights—Joseph W. Shott of Olympia, Chairman. No signatures presented for checking.
- INITIATIVE MEASURE NO. 239 (**Mandatory County Civil Service System**)—Filed January 10, 1968 by the Special Committee of the King County Employees Association—Walter P. Barclay of Seattle, Chairman. No signatures presented for checking.
- INITIATIVE MEASURE NO. 240 (**Termination: Certain Land Use Regulations**)—Filed January 15, 1968 by Robert W. Sollars of Everett. No signatures presented for checking.
- INITIATIVE MEASURE NO. 241 (**Calling 1970 State Constitutional Convention**)—Filed February 2, 1968 by the Committee to Call a Constitutional Convention—S. Lynn Sutcliffe of Seattle, Chairman. No signatures presented for checking.
- *INITIATIVE MEASURE NO. 242 (**Drivers' Implied Consent—Intoxication Tests**)—Filed February 8, 1968 by the Washington State Medical Association—Dr. Charles P. Larson of Seattle, Vice-President. Signatures (123,589) filed July 3, 1968 and found sufficient. Measure submitted to the voters for decision at the November 5, 1968 state general election and approved into law by the following vote: **For**--792,242 **Against**--394,644. Act is now identified as Chapter 1, Laws of 1969.
- INITIATIVE MEASURE NO. 243 (**Information for Life Insurance Purchasers**)—Filed February 19, 1968 by Theodore Radcliffe of Wenatchee. No signatures presented for checking.
- INITIATIVE MEASURE NO. 244 (**State—County Tax Millage Shift**)—Filed February 23, 1969 by the Washington State Association of County Commissioners. No signatures presented for checking.
- *INITIATIVE MEASURE NO. 245 (**Reducing Maximum Retail Service Charges**)—Filed April 4, 1968 by Joseph H. Davis, President, and Marvin L. Williams, Secretary—Treasurer of the Washington State Labor Council, AFL—CIO. Signatures (143,395) filed July 5, 1968 and found sufficient. Measure submitted to the voters for decision at the November 5, 1968 state general election and approved into law by the following vote: **For**--642,902 **Against**--551,394. Act is now identified as Chapter 2, Laws of 1969.
- INITIATIVE MEASURE NO. 246—Filed January 6, 1970 by Donald N. McDonald. Immediately after filing, the sponsor decided to abandon the initiative measure. For this reason, Attorney General did not issue ballot title and no further action was taken. Refiled January 22, 1970 as Initiative Measure No. 248.
- INITIATIVE MEASURE NO. 247 (**Increasing Maximum Retail Service Charges**)—Filed January 20, 1970 by the Washington Citizens for Competitive Credit—A. F. Carey of Seattle, Secretary—Treasurer. No signatures presented for checking.
- INITIATIVE MEASURE NO. 248 (**Property Tax Millage Rate Reallocation**)—Filed January 22, 1970 by Donald N. McDonald of Bothell. No signatures presented for checking.
- INITIATIVE MEASURE NO. 249—Filed February 11, 1970 by the Committee for Bingo for Washington—State Representative Mark Litchman, Jr. of Seattle, Chairman. NOTE: Attorney General refused to issue a ballot title for this measure because, in his opinion, the initiative procedure cannot be used to amend the state constitution. No further action was taken by the sponsor.

*Indicates measure became law.

INITIATIVES TO THE PEOPLE

- INITIATIVE MEASURE NO. 250 (**Certain Salary Increases—Voter Approval**)—Filed February 17, 1970 by the Committee for Voter Approved Salary Increases—Albert C. Navone of Seattle, Chairman. No signatures presented for checking.
- INITIATIVE MEASURE NO. 251 (**State Taxation—To Regulate Imposition**)—Filed March 12, 1970 by Vick Gould of Tax Limit League, Bellevue. Signatures (135,668) filed July 3, 1970 and found sufficient. Measure submitted to the voters for decision at the November 3, 1970 state general election and rejected by the following vote: **For**—504,779 **Against**—527,263.
- INITIATIVE MEASURE NO. 252 (**Property Taxation—Fixing Maximum Rate**)—Filed March 12, 1970 by Overtaxed, Inc.—Harley H. Hoppe, President. Due to technical reasons, the sponsor abandoned this measure and no further action was taken.
- INITIATIVE MEASURE NO. 253 (**Open Land—Special Taxation Basis**)—Filed March 24, 1970 by the Island County Branch of American Taxpayers Association, Inc.—John Metcalf, Vice-chairman. No signatures presented for checking.
- INITIATIVE MEASURE NO. 254 (**Certain Gambling Activities—Criminal Exemptions**)—Filed March 26, 1970 by the Washington State Federation of Fraternal, Patriotic, City and Country Clubs—M. R. Reynolds, President. No signatures presented for checking.
- INITIATIVE MEASURE NO. 255—Filed April 20, 1970 by Robert H. Keller, Jr. of Bellingham. Refiled April 23, 1970 as Initiative Measure No. 256.
- INITIATIVE MEASURE NO. 256 (**Prohibiting Certain Nonrefundable Beverage Receptacles**)—Filed April 23, 1970 by Robert H. Keller, Jr., of Bellingham. Signatures (188,102) filed July 1, 1970 and found sufficient. Measure submitted to the voters for decision at the November 3, 1970 state general election and rejected by the following vote: **For**—511,248 **Against**—538,118.
- INITIATIVE MEASURE NO. 257 (**Licensing Dog Racing—Parimutuel Betting**)—Filed April 29, 1970 by Donald Nicholson of Kirkland. No signatures presented for checking.
- INITIATIVE MEASURE NO. 258 (**Certain Cities—Greyhound Racing Franchises**)—Filed January 7, 1972 by Donald Nicholson of Kirkland. Signatures (151,856) filed July 7, 1972 and found sufficient. Measure submitted to the voters for decision at the November 7, 1972 state general election and rejected by the following vote: **For**—526,371 **Against**—895,385.
- INITIATIVE MEASURE NO. 259 (**Providing for Presidential Preference Primary**)—Filed January 7, 1972 by Bellingham Junior Chamber of Commerce of Bellingham. No signatures presented for checking.
- INITIATIVE MEASURE NO. 260 (**Regulating Horse and Dog Racing**)—Filed January 7, 1972 by Friends of Dog Racing (et al.) of Federal Way. No signatures presented for checking.
- INITIATIVE MEASURE NO. 261 (**Liquor Sales by Licensed Retailers**)—Filed January 10, 1972 by Warren B. McPherson and Robert B. Gould of Seattle. Signatures (122,241) filed July 7, 1972 and found sufficient. Measure submitted to the voters for decision at the November 7, 1972 state general election and rejected by the following vote: **For**—634,973 **Against**—779,568.
- INITIATIVE MEASURE NO. 262 (**Minimum Age—Alcoholic Beverage Purchases**)—Filed January 13, 1972 by David G. Huey of Sedro Woolley. No signatures presented for checking.
- INITIATIVE MEASURE NO. 263 (**Tax Reform**)—Filed January 19, 1972 by Robert J. Corcoran of Puyallup. Refiled January 31, 1972 as Initiative Measure No. 267.
- INITIATIVE MEASURE NO. 264 (**Liberalizing State Regulation of Marijuana**)—Filed January 20, 1972 by Stephen Wilcox, Debbie Yarbrough, and Thomsen Abbott of Olympia. No signatures presented for checking.

*Indicates measure became law.

INITIATIVES TO THE PEOPLE

- INITIATIVE MEASURE NO. 265—Filed January 20, 1972 by Joe Davis of Seattle. Refiled January 25, 1972 as Initiative Measure No. 266 with new sponsor.
- INITIATIVE MEASURE NO. 266 (**Changing Congressional and Legislative Districts**)—Filed January 25, 1972 by Vernon L. Martin of Olympia. No signatures presented for checking.
- INITIATIVE MEASURE NO. 267 (**Repealing Most Property Tax Exemptions**)—Filed January 31, 1972 by Robert J. Corcoran of Puyallup. No signatures presented for checking.
- INITIATIVE MEASURE NO. 268 (**Unicameral Legislature**)—Filed February 8, 1972 by Philip Tenney Rensvold of Olympia. (Attorney General refused to issue ballot title because of opinion that initiative procedure cannot be used to amend constitution.)
- INITIATIVE MEASURE NO. 269 (**Examinations for Diplomas and Degrees**)—Filed February 9, 1972 by Eugene Lydic of Kelso. No signatures presented for checking.
- INITIATIVE MEASURE NO. 270 (**Election Campaign Financial Reports**)—Filed February 10, 1972 by Robert Corcoran of Puyallup. No signatures presented for checking.
- INITIATIVE MEASURE NO. 271 (**Income Tax and Revenue Distribution**)—Filed February 28, 1972 by Charles Clark Marshall of Seattle. No signatures presented for checking.
- INITIATIVE MEASURE NO. 272 (**Recreational Personal Property—Taxation Removed**)—Filed March 1, 1972 by Gary K. Ballew of Vancouver. No signatures presented for checking.
- INITIATIVE MEASURE NO. 273—Filed March 2, 1972 by Margaret C. Tunks of Seattle. Refiled March 13, 1972 as Initiative Measure No. 274 with new sponsor.
- INITIATIVE MEASURE NO. 274 (**Reducing Motor Vehicle Fuel Tax**)—Filed March 13, 1972 by Jeffrey R. Perkins of Seattle. No signatures presented for checking.
- INITIATIVE MEASURE NO. 275 (**Regulating Nonnative Wild Animal Sales**)—Filed March 23, 1972 by Harry and June Delaloye of Seattle. No signatures presented for checking.
- *INITIATIVE MEASURE NO. 276 (**Disclosure—Campaign Finances—Lobbying—Records**)—Filed March 29, 1972 by Michael T. Hildt of Seattle. Signatures (162,710) were submitted and found sufficient. Submitted to the voters for decision at the November 7, 1972 state general election and approved by the following vote: **For—959,143 Against—372,693**. Act is now identified as Chapter 1, Laws of 1973.
- INITIATIVE MEASURE NO. 277 (**Camping on Certain Ocean Beaches**)—Filed April 5, 1972 by Carl P. Hanun of Aberdeen. No signatures presented for checking.
- INITIATIVE MEASURE NO. 278 (**Tax Revision—Income Tax—Schools**)—Filed April 14, 1972 by Senator Francis E. Holman, Senator Nat Washington, and Representative Charles Moon of Seattle. No signatures presented for checking.
- INITIATIVE MEASURE NO. 279 (**State Funding of Public Schools**)—Filed May 19, 1972 by Alvin C. Leonard, Jr., of Bothell. No signatures presented for checking.
- INITIATIVE MEASURE NO. 280 (**Limiting Special Legislative Sessions**)—Filed March 12, 1973 by Axel Julin, Chairman, Committee to Retain a Part Time Citizen Legislature. No signatures presented for checking.
- INITIATIVE MEASURE NO. 281—Filed June 8, 1973 by Bruce Helm of Alderwood Manor. Refiled June 12, 1973 as Initiative Measure No. 282 with a new sponsor, Kenneth D. Hansen of Seattle.
- *INITIATIVE MEASURE NO. 282 (**Shall state elected officials' salary increases be limited to 5.5% over 1965 levels, and judges' the same over 1972 levels?**)—Filed June 12, 1973 by Kenneth D. Hansen of Seattle. Signatures (699,098) were submitted and found sufficient. Measure submitted to the voters for decision at the November 6, 1973 state general election and was approved by the following vote: **For—798,338 Against—197,795**. Act is now identified as Chapter 149, Laws of 1974 Extraordinary Session.

*Indicates measure became law.

INITIATIVES TO THE PEOPLE

- INITIATIVE MEASURE NO. 283 (Shall it be unlawful, except in an emergency, to hitchhike, or to pick up a hitchhiker along a public highway?)--Filed January 18, 1974 by Ms. Sallyann Devine of Seattle. No signatures presented for checking.
- INITIATIVE MEASURE NO. 284 (Shall corporations pay a 12% excise tax measured by income so that special school levies may be reduced or eliminated?)--Filed January 22, 1974 by Representative Charles Moon. No signatures presented for checking.
- INITIATIVE MEASURE NO. 285 (Shall all privately or corporately owned land, including residential real estate, annually be taxed a minimum of \$2.50 per acre?)--Filed January 24, 1974 by Donn C. Higley of Seattle. No signatures presented for checking.
- INITIATIVE MEASURE NO. 286 (Shall the membership of the legislature be reduced from forty-nine senators and ninety-eight representatives to twenty-one senators and sixty-three representatives?)--Filed January 30, 1974 by Harley H. Hoppe of Seattle. No signatures presented for checking.
- INITIATIVE MEASURE NO. 287 (Shall salmon net fishing be prohibited in designated Puget Sound and adjacent waters unless permitted by a newly established commission?)--Filed January 31, 1974 by Dr. Charles F. Raab of Port Angeles. No signatures presented for checking.
- INITIATIVE MEASURE NO. 288 (Shall couples with children under 18 be ineligible for divorce and, upon separation, shall a commission oversee their children's rights?)--Filed February 1, 1974 by Joseph Garske of Yakima. No signatures presented for checking.
- INITIATIVE MEASURE NO. 289 (Shall additional gambling activities, including slot machines and card rooms, be legalized, local regulation prohibited, and the state gambling commission replaced?)--Filed February 4, 1974 by Roy Needham of Yakima. No signatures presented for checking.
- INITIATIVE MEASURE NO. 290 (Shall liquor prices be limited and revenue distribution formulas changed, a new seven-member liquor board created, and an administrator appointed?)--Filed February 25, 1974 by Senator William S. "Bill" Day of Spokane. No signatures presented for checking.
- INITIATIVE MEASURE NO. 291 (Shall parents and other persons be prohibited from inflicting or threatening bodily punishment upon children or mentally retarded persons?)--Filed March 12, 1974 by Ms. Shirley Amiel of Bellevue. No signatures presented for checking.
- INITIATIVE MEASURE NO. 292 (Shall criminal penalties for state traffic law violations and laws imposing state retail sales taxes and use taxes be repealed?)--Filed March 18, 1974 by Jack Zektzer of Seattle. No signatures presented for checking.
- INITIATIVE MEASURE NO. 293 (Shall present laws governing modification, renewal or nonrenewal of certificated school employees' contracts be repealed and merit salary systems adopted?)--Filed March 18, 1974 by Senator Hubert F. Donohue of Dayton. No signatures presented for checking.
- INITIATIVE MEASURE NO. 294 (Shall the legislature be reduced to 21 senators and 63 representatives elected from single-member districts established by this initiative?)--Filed March 26, 1974 by Elizabeth J. Bracelin and Robert L. Burnham, Cosponsors. No signatures presented for checking.
- INITIATIVE MEASURE NO. 295 (Shall the retail sales tax be eliminated on sales of food, clothing, medicines and medical devices, and residential construction costs?)--Filed April 4, 1974 by Richard Dymont, Chairman, Libertarian Party of Washington. No signatures presented for checking.
- INITIATIVE MEASURE NO. 296 (Shall the 1973 law substituting principles of comparative negligence for those of contributory negligence in civil damage actions be repealed?)--Filed April 9, 1974 by James M. Petra of Chehalis. No signatures presented for checking.

*Indicates measure became law.

INITIATIVES TO THE PEOPLE

- INITIATIVE MEASURE NO. 297 (Shall any gambling activities be legal when licensed by the state gambling commission and authorized by the municipality where conducted?)—Filed April 15, 1974 by Gary Bacon, Chairman, Committee for Local Option. No signatures presented for checking.
- INITIATIVE MEASURE NO. 298 (Shall an initiative be adopted stating that no person shall serve for more than eight consecutive years in the legislature?)—Filed May 10, 1974 by Harry S. Foster of Edmonds. No signatures presented for checking.
- INITIATIVE MEASURE NO. 299 (Shall the tax on retail sales of liquor (spirits) in the original package be reduced by two cents per ounce?)—Filed May 13, 1974 by Alfred J. Scheppe on behalf of the Citizens Committee for Lower Liquor Taxes. Signatures (134,695) filed July 5, 1974. Petition failed. Not enough valid signatures obtained to place the measure on the November 5, 1974 state general election ballot.
- INITIATIVE MEASURE NO. 300 (Shall certain rights of parents regarding public school curricula and teaching materials be defined and some school district programs restricted?)—Filed May 13, 1974 by Ms. Sally F. Tinner of Steilacoom. No signatures presented for checking.
- INITIATIVE MEASURE NO. 301 (Shall present laws governing modification, renewal or nonrenewal of certificated school employees' contracts be repealed?)—Filed January 16, 1975 by Ms. Dorothy Roberts of Bellevue. No signatures presented for checking.
- INITIATIVE MEASURE NO. 302 (Shall the minimum age for the purchase or consumption of alcoholic beverages be lowered to 18 years?)—Filed January 28, 1975 by Ms. Diahn Schmidt of Olympia. No signatures presented for checking.
- INITIATIVE MEASURE NO. 303 (Shall an initiative be adopted declaring persons having served in the Congress a total of twelve years ineligible for reelection?)—Filed January 29, 1975 by Gene Goosman, Sr. of Seattle. No signatures presented for checking.
- INITIATIVE MEASURE NO. 304 (Shall a new commission appoint the director of fisheries and manage food fish and shellfish for commercial and recreational purposes?)—Filed February 3, 1975 by Dr. Charles F. Raab of Port Angeles. No signatures presented for checking.
- INITIATIVE MEASURE NO. 305 (Shall the legal age for the use and consumption of alcoholic beverages be lowered to 19 years?)—Filed February 6, 1975 by Richard Spaulding and William G. Bowie, both of Cheney. No signatures presented for checking.
- INITIATIVE MEASURE NO. 306 (Shall state appropriations be limited to 9% of state personal income and decreases in state support to municipalities be restricted?)—Filed February 13, 1975 by Kenneth D. Hansen of Seattle. No signatures presented for checking.
- INITIATIVE MEASURE NO. 307 (Shall some common school curricula be specified, teaching methods limited and written parental consent to certain school activities be required?)—Filed March 7, 1975 by Paul O. Snyder of Tacoma. No signatures presented for checking.
- INITIATIVE MEASURE NO. 308 (Shall sales and business and occupation taxes be removed from certain transactions involving clothing, food, shelter, and health care products?)—Filed March 10, 1975 by Carl R. Nicolai of Seattle. No signatures presented for checking.
- INITIATIVE MEASURE NO. 309 (Shall the Shoreline Management Act of 1971 and the subsequent amendments to that Act be repealed?)—Filed March 14, 1975 by James Mark Toevs of Chehalis. No signatures presented for checking.
- INITIATIVE MEASURE NO. 310 (Shall the present forest practices act be repealed and be replaced with provisions relating solely to requirements for reforestation?)—Filed March 18, 1975 by Ms. Betty J. Wells of Camano Island. No signatures presented for checking.
- INITIATIVE MEASURE NO. 311 (Shall the death penalty be mandatory in cases of first degree murder and the definitions of degrees of murder revised?)—Filed March 20, 1975 by Representative Earl F. Tilly. No signatures presented for checking.

*Indicates measure became law.

INITIATIVES TO THE PEOPLE

- INITIATIVE MEASURE NO. 312 (Shall an initiative be passed lowering certain real property taxes to 1960 levels, or, if greater, those at last transfer?)—Filed April 4, 1975 by Donald H. Sallee of Brinnon. No signatures presented for checking.
- INITIATIVE MEASURE NO. 313 (Shall the names of signers of initiative and referendum petitions be confidential and the petitions destroyed after they are canvassed?)—Filed April 4, 1975 by Donald H. Sallee of Brinnon. No signatures presented for checking.
- INITIATIVE MEASURE NO. 314 (Shall corporations pay a 12% excise tax measured by income so that special school levies may be reduced or eliminated?)—Filed April 16, 1975 by Representative Charles Moon of Snohomish. Signatures (136,077) submitted and found sufficient. Submitted to the voters for decision at the November 4, 1975 state general election and was rejected by the following vote: **For**—323,831 **Against**—652,178.
- INITIATIVE MEASURE NO. 315 (Shall maximum income levels entitling elderly and disabled persons to certain property tax exemptions be raised to \$10,000.00?)—Filed April 18, 1975 by Representatives Eleanor A. Fortson and John M. Fischer. No signature petitions presented for checking.
- *INITIATIVE MEASURE NO. 316 (Shall the death penalty be mandatory in the case of aggravated murder in the first degree?)—Filed May 26, 1975 by Representative Earl Tilly of Wenatchee. Signatures (134,290) submitted and found sufficient. Submitted to the voters for decision at the November 4, 1975 state general election and was approved by the following vote: **For**—662,535 **Against**—296,257. Act is now identified as Chapter 9, Laws of 1975-'76 2nd Extraordinary Session.
- INITIATIVE MEASURE NO. 317 (Shall evidence of speeding violations obtained by radar, certain other electronic devices or unmarked police vehicles be inadmissible in court?)—Filed January 2, 1976 by David L. Bovy of Seattle. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 318 (Shall all minimum age requirements of twenty-one years be reduced to eighteen?)—Filed January 6, 1976 by Martin Ringhofer of Seattle. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 319 (Shall an initiative be adopted memorializing Congress to call a federal constitutional convention to limit taxation on income?)—Filed January 7, 1976 by Clarence P. Keating, Jr. of Seattle. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 320 (Shall new or increased taxes be prohibited and regular property taxes retained in the districts where they are collected?)—Filed January 2, 1976 by Shirley Amiel of Seattle. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 321 (Shall municipalities be empowered to permit gambling within their boundaries, licensed by the state, with tax revenues allocated to schools?)—Filed January 13, 1976 by William O. Kumbera and the Committee for Tax Relief Through Local Option Gambling of Ocean Shores. Signatures (136,006) submitted and found insufficient to qualify measure to the state general election ballot.
- INITIATIVE MEASURE NO. 322 (Shall fluoridation of public water supplies be made unlawful and violations subject to criminal penalties?)—Filed January 2, 1976 by Caroline A. Sudduth of Seattle. Signatures (135,441) submitted and found insufficient to qualify measure to the state general election ballot. Suit was filed with Thurston County Superior Court against the Secretary of State and on appeal to the Supreme Court. Initiative Measure No. 322 was placed on the general election ballot on October 13. It was rejected at the November 2, 1976 general election by the following vote: **For**—469,929 **Against**—870,631.
- INITIATIVE MEASURE NO. 323 (Shall an initiative be adopted declaring that no person shall hold most state elective offices more than twelve consecutive years?)—Filed January 2, 1976 by Senator Peter von Reichbauer of Burton and Jack Metcalf of Langley. No signature petitions presenting for checking.

*Indicates measure became law.

INITIATIVES TO THE PEOPLE

- INITIATIVE MEASURE NO. 324 (**Shall the Shoreline Management Act of 1971 and subsequent amendments to that act be repealed?**)—Filed January 12, 1976 by Melvin G. Toyne of Mt. Vernon. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 325 (**Shall future nuclear power facilities which do not meet certain conditions and receive two-thirds approval by the legislature be prohibited?**)—Filed February 3, 1976 by David C. H. Howard of Olympia. Signatures (approximately 165,000) submitted and found sufficient. Submitted to the voters at the November 2, 1976 general election and rejected by the following vote: **For**—482,953 **Against**—963,756.
- INITIATIVE MEASURE NO. 326 (**Shall grocery store sales of spirituous liquor be allowed, revenue distribution formulas changed, and the state liquor control board reconstituted?**)—Filed March 17, 1976 by Ruth Berliner of Tacoma. Sponsorship of initiative withdrawn May 17, 1976.
- INITIATIVE MEASURE NO. 327 (**Shall commercial fishing and shellfishing be banned on Hood Canal until a sufficient supply is found to exist?**)—Filed March 12, 1976 by J.L. Parsons of Union. Refiled as Initiative Measure No. 330.
- INITIATIVE MEASURE NO. 328 (**Relating to Term Limitation**)—Filed March 16, 1976 by Patrick W. Biggs of Seattle for the Thomas Jefferson Society. Attorney General declined to prepare ballot title.
- INITIATIVE MEASURE NO. 329 (**Shall places where obscene films are publicly and regularly shown or obscene publications a principal stock in trade be prohibited?**)—Filed March 26, 1976 by C.R. Lonergan, Jr. of Seattle. Signatures (120,621) submitted and found insufficient to qualify measure for state general election ballot.
- INITIATIVE MEASURE NO. 330 (**Shall the commercial taking of fish, crab and shrimp be banned on Hood Canal until a sufficient supply is available?**)—Filed April 12, 1976 by J.L. Parsons of Union. Refiled as Initiative to the Legislature No. 52.
- INITIATIVE MEASURE NO. 331 (**Shall future school district special levies for operations be prohibited and previously approved operational levies for collection in 1977 be reduced?**)—Filed March 27, 1976 by Jerold W. Thiedt of Monroe. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 332 (**Shall the state be removed from the liquor business in favor of large grocers and certain other private business enterprises?**)—Filed April 19, 1976 by Robert B. Gould and Warren McPherson of Woodinville. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 333 (**Shall a single pension system, coordinated with social security, replace existing systems for most public employees hired after June 30, 1977?**)—Filed April 19, 1976 by Senator August P. Mardesich of Everett. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 334 (**Shall the fluid ounce tax on spirituous liquor in the original package be lowered from four to two cents?**)—Filed April 29, 1976 by Juanita K. Heaton of Seattle. No signature petitions presented for checking.
- *INITIATIVE MEASURE NO. 335 (**Shall places where obscene films are publicly and regularly shown or obscene publications a principal stock in trade be prohibited?**)—Filed January 10, 1977 by C.R. Lonergan, Jr. of Seattle. Signatures (175,998) submitted and found sufficient. Submitted to the voters at the November 8, 1977 state general election and was approved by the following vote: **For**—522,921 **Against**—431,989. Act is now identified as Chapter 1, Laws of 1979.
- INITIATIVE MEASURE NO. 336 (**Shall every municipality be authorized to permit all forms of state licensed gambling with tax revenues allocated to schools?**)—Filed January 11, 1977 by William O. Kumbera of The Committee for Tax Relief Through Local Option Gambling in Ocean Shores. No signature petitions presented for checking.

*Indicates measure became law.

INITIATIVES TO THE PEOPLE

- INITIATIVE MEASURE NO. 337 (Shall an initiative be adopted promoting the pursuit of peace through principals of mutual love and respect?)--Filed January 10, 1977 by Kevin McKeigue of Seattle. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 338 (Shall driving motor vehicles up to 10 M.P.H. over the maximum speed limit be subject to fines not exceeding \$15.00?)--Filed January 10, 1977 by Timothy Ramey of Seattle. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 339 (Shall the use of electronic voting devices and electronic vote tallying systems in any election in this state be prohibited?)--Filed January 24, 1977 by Clarence P. Keating, Jr. of Seattle. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 340 (Shall a convention be called to propose a new state constitution for approval or rejection by the people in 1979?)--Filed January 20, 1977 by Tom A. Alberg, Citizens Coalition for a Constitutional Convention of Seattle. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 341 (Shall minimum age requirements for various purposes other than drinking alcoholic beverages be reduced to eighteen years?)--Filed February 7, 1977 by Martin Ringhofer of Seattle. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 342 (Shall an initiative be adopted urging all state legislatures to reject and rescind approval of the federal equal rights amendment?)--Filed February 15, 1977 by Mrs. J.L. Glesener of Kennewick. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 343 (Shall state property taxes be eliminated, all other taxes limited, and state support levels for local government, including schools, mandated?)--Filed February 29, 1977 by Shirley Amiel, State Tax Freeze and School Funding Initiative Political Committee of Bellevue. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 344 (Shall the laws of the state be rewritten by January 1, 1981, to eliminate, if possible, ambiguity, redundancy and complexity?)--Filed March 7, 1977 by Patrick M. Crawford of Tumwater. No signature petitions presented for checking.
- *INITIATIVE MEASURE NO. 345 (Shall most food products be exempt from state and local retail sales and use taxes, effective July 1, 1978?)--Filed March 30, 1977 by J. Linsey Hinand, Chairperson. Signatures (168,281) submitted and found sufficient. Submitted to the voters at the November 8, 1977 state general election and was approved by the following vote: For--521,062 Against--443,840. Act is now identified as Chapter 2, Laws of 1979.
- INITIATIVE MEASURE NO. 346 (Shall the system of property assessment be repealed and a state assessor adopt a system of uniform state-wide property assessment?)--Filed May 31, 1977 by Susan Sink of Seattle. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 347 (Shall payment of legislator's per diem allowances be limited to 120 days in odd-numbered years and 60 days in even-numbered years?)--Filed June 13, 1977 by Robert B. Overstreet of Everett. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 348 (Shall the new variable motor vehicle fuel tax be repealed and the previous tax and distribution formula be reinstated?)--Filed June 29, 1977 by Harley Hoppe of Mercer Island. Signatures (202,168) submitted and found sufficient. Submitted to the voters at the November 8, 1977 general election and after a mandatory recount was rejected by the following vote: For--470,147 Against--471,031.
- INITIATIVE MEASURE NO. 349 (Shall minimum age requirements for various purposes other than for drinking alcoholic beverages be reduced to eighteen years?)--Filed January 12, 1978 by Mr. Martin Ringhofer of Seattle. Sponsor failed to submit signatures for checking.

*Indicates measure became law.

INITIATIVES TO THE PEOPLE

- *INITIATIVE MEASURE NO. 350 (Shall public educational authorities be prohibited from, assigning students to other than the nearest or next-nearest school with limited exceptions?)--Filed February 10, 1978 by Mr. Ben Caley of Seattle. Signatures (182,882) submitted and found sufficient. Submitted to the voters at the November 7, 1978 general election and was approved by the following vote: For--585,903 Against--297,991. Act is now identified as Chapter 4, Laws of 1979.
- INITIATIVE MEASURE NO. 351 (Shall the age at which persons may purchase, consume or sell alcoholic beverages be lowered from 21 to 19 years?)--Filed February 24, 1978 by Timothy J. Niggemeyer of Spokane. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 352 (Shall property owners not be liable for a trespasser's injury, unless the property owner intentionally and knowingly caused the injury?)--Filed February 27, 1978 by Gayle Crawford of Olympia. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 353 (Shall all containers of alcoholic beverages clearly bear the warning "Contents may cause brain damage, communication breakdown and family degradation"?)--Filed April 28, 1978 by June and Pam Riggs of Mountlake Terrace. Sponsors failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 354 (Shall the first \$10,000 value of a residence regularly occupied by its owner or tenant be exempt from property taxes?)--Filed May 5, 1978 by Harley Hoppe of Mercer Island. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 355 (Refiled as Initiative Measure No. 356)
- INITIATIVE MEASURE NO. 356 (Shall gambling and lotteries be permitted, and time and food sale limitations removed from sales of liquor by the drink?)--Filed May 23, 1978 by Mr. James Banker of Renton. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 357 (Shall the system of property assessment be repealed and a state assessor adopt a system of uniform state-wide property assessment?)--Filed May 9, 1978 by Ms. Susan M. Sink of Seattle. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 358 (Shall assessed valuations of retired persons' residences remain unchanged and nonvoted school levies generally be limited to 6% annual increase?)--Filed May 31, 1978 by Harley H. Hoppe of Mercer Island. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 359 (Shall increases in state tax revenues and expenditures be limited to the estimated rate of growth of state personal income?)--Filed June 6, 1978 by Mr. Will Knedlik of Kirkland. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 360 (Shall an initiative be adopted limiting property taxes to 1% of value and requiring 2/3 legislative approval to change taxes?)--Filed June 8, 1978 by Mssrs. J. Van Self and A. M. Lee Parker of Tacoma. Sponsors submitted signatures but they were insufficient to appear on the November ballot.
- INITIATIVE MEASURE NO. 361 (Shall minimum age requirements for various purposes other than for drinking alcoholic beverages be reduced to eighteen years?)--Filed January 8, 1979 by Mr. Martin Ringhofer of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 362 (Shall an initiative be adopted prohibiting the possession, construction, transportation or sale of nuclear weapons within the state of Washington?)--Filed January 19, 1979 by Mr. Randal South of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 363 (Shall strikes by public school teachers and other certificated employees be prohibited and penalties imposed for participation in such strikes?)--Filed January 31, 1979 by Mr. Alan Gottlieb of Bellevue. No signatures were presented for checking.

*Indicates measure became law.

INITIATIVES TO THE PEOPLE

- INITIATIVE MEASURE NO. 364 (**Shall persons with physical handicaps be allowed to serve in the state militia and state and local law enforcement units?**)—Filed February 1, 1979 by Mr. Daniel M. Jones of Olympia. No signatures presented for checking.
- INITIATIVE MEASURE No. 365 (**Shall liquor retailing become a private business and a new five-member Liquor Control Board be created?**)—Filed February 22, 1979 by Mr. Dennis L. Weaver of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 366 (**Shall liquor retailing become a private business and any required food to liquor sales ratio in licensed restaurants be prohibited?**)—Filed February 22, 1979 by Mr. Dennis L. Weaver of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 367 (**Shall nursing homes be required to pay employees wages and benefits equal to those paid hospital employees performing comparable work?**)—Filed February 9, 1979 by Mr. John W. Hempelmann of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 368 (**Shall the state be absolutely prohibited from levying any property taxes and school districts be similarly restricted?**)—Filed February 16, 1979 by Mr. John R. McBride of Spokane. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 369 (**Shall the possession or sale of firearms be restricted, and mandatory sentences imposed for the commission of crimes involving firearms?**)—Filed February 26, 1979 by Mr. Steven L. Kendall of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 370 (**Shall a presidential preference primary be held to determine the percentage of delegate positions allocated each major political party candidate?**)—Filed March 30, 1979 by Mr. Edward H. Hilscher of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 371 (**Shall nuclear facilities be required to meet certain safety and liability standards and obtain state-wide voter approval prior to operation?**)—Filed April 26, 1979 by Mr. William C. Montague of Seattle. No signatures were presented for checking.

*Indicates measure became law.

INITIATIVES TO THE LEGISLATURE

INITIATIVES TO THE LEGISLATURE

- ***INITIATIVE TO THE LEGISLATURE NO. 1 (District Power Measure)**--Filed October 25, 1928. The 1929 Legislature failed to take action, and as provided by the state constitution the measure then was submitted to the voters for final decision at the November 4, 1930 state general election. Measure was approved into law by the following vote: **For**--152,487 **Against**--130,901. The act is now identified as Chapter 1, Laws of 1931.
- INITIATIVE TO THE LEGISLATURE NO. 1A (Brewers' Hotel Bill)**--Filed December 14, 1914. The 1915 Legislature failed to take action, and as provided by the state constitution the measure then was submitted to the voters for final decision at the November 7, 1916 state general election. Measure was defeated by the following vote: **For**--48,354 **Against**--263,390.
- ***INITIATIVE TO THE LEGISLATURE NO. 2 (Blanket Primary Ballot)**--Filed August 21, 1934. Passed by the Legislature February 21, 1935. Now identified as Chapter 26, Laws of 1935.
- INITIATIVE TO THE LEGISLATURE NO. 3 (Tax Free Homes)**--Filed August 25, 1934. No petition filed.
- INITIATIVE TO THE LEGISLATURE NO. 4 (Unemployment Insurance)**--Filed September 5, 1934. No petition filed.
- INITIATIVE TO THE LEGISLATURE NO. 5 (Prohibiting Fishing with Purse Seines)**--Filed November 20, 1934. Insufficient number of signatures on petition; failed.
- INITIATIVE TO THE LEGISLATURE NO. 6 (Legal Holiday on Saturday)**--Filed August 17, 1938. No petition filed.
- INITIATIVE TO THE LEGISLATURE NO. 7 (Pension for Blind)**--Filed October 7, 1938. Refiled as Initiative to the Legislature No. 8.
- INITIATIVE TO THE LEGISLATURE NO. 8 (Pension for Blind)**--Filed October 10, 1938. No petition filed.
- INITIATIVE TO THE LEGISLATURE NO. 9 (Relating to Intoxicating Liquors)**--Filed December 8, 1938. No petition filed.
- INITIATIVE TO THE LEGISLATURE NO. 10 (Unicameral Legislature)**--Filed May 23, 1940. No petition filed.
- INITIATIVE TO THE LEGISLATURE NO. 11 (Reapportionment of State Legislative Districts)**--Filed July 8, 1942. No petition filed.
- ***INITIATIVE TO THE LEGISLATURE NO. 12 (Public Power Resources)**--Filed August 29, 1942. Passed by the Legislature February 17, 1943. Now identified as Chapter 15, Laws of 1943. Act invalidated through Referendum Measure No. 25.
- INITIATIVE TO THE LEGISLATURE NO. 13 (Restricting Sales of Beer and Wine to State Liquor Stores)**--This measure is the same as Initiative Measure No. 163 and was filed August 23, 1946. Signature petitions filed January 3, 1947. The 1947 Legislature failed to take action as provided by the state constitution the measure then was submitted to the voters for final decision at the November 2, 1948 state general election. Measure was defeated by the following vote: **For**--208,337 **Against**--602,141.
- INITIATIVE TO THE LEGISLATURE NO. 14 (Reapportionment of State Legislative Districts)**--Filed September 19, 1946. No petition filed.
- INITIATIVE TO THE LEGISLATURE NO. 15 (Establishing a Civil Service System for the Employees of the State of Washington)**--Filed October 16, 1946. No petition filed.
- INITIATIVE TO THE LEGISLATURE NO. 16 (Providing for the Election of State Game Commissioners)**--Filed September 8, 1948. No signature petitions presented.

*Indicates measure became law.

INITIATIVES TO THE LEGISLATURE

- INITIATIVE TO THE LEGISLATURE NO. 17 (**Regulating Legislative Committee Hearings**)--Filed October 16, 1948. No signature petitions filed.
- INITIATIVE TO THE LEGISLATURE NO. 18 (**Petitioning Congress to declare that it is the policy of the United States to live in peaceful coexistence with other nations, etc.**)--This measure is the same as Initiative Measure No. 183 and was filed September 3, 1952. No signature petitions presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 19 (**Repealing the Subversive Activities Act**)--Filed September 19, 1952. No signature petitions presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 20 (**Legislative and Congressional Districting**)--Filed April 16, 1954. Sponsors dissatisfied with ballot title and, as a consequence, measure (with some minor changes, all occurring in section 5) was refiled as of May 17, 1954 and measure refiled as Initiative No. 22 to the Legislature.
- INITIATIVE TO THE LEGISLATURE NO. 21 (**Professional Practice Boards**)--Filed April 20, 1954. No signature petitions presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 22 (**Legislative and Congressional Districting**)--Filed May 17, 1954. No signature petitions presented for checking.
- *INITIATIVE TO THE LEGISLATURE NO. 23 (**Civil Service for Sheriff's Employees**)--Measure filed August 7, 1956. Signature petitions filed December 5, 1956, and found sufficient. The 1957 Legislature failed to take action, and as provided by the state constitution the measure was then submitted to the voters for final decision at the November 4, 1958 state general election. Measure was approved by the following vote: **For**--539,640 **Against**--289,575. Act is now identified as Chapter 1, Laws of 1959.
- INITIATIVE TO THE LEGISLATURE NO. 24 (**Limiting Dams in Fish Sanctuaries**)--Measure filed September 18, 1956. Signature petitions containing approximately 85,600 signatures filed January 3, 1957. However, attorney general ruled that provisions of the 30th amendment to the state constitution approved by the voters at the 1956 state general election applied at the time signatures were presented. This amendment provided that the number of signatures necessary to validate an initiative must be equal to at least 8% of the votes cast on the position of governor at the last preceding gubernatorial election. This computation set the necessary number as 90,319 valid signatures. Sponsors appealed to the State Supreme Court which held that the attorney general was correct. For this reason the Secretary of State did not check signature petitions and the initiative was not certified to the 1957 Legislature.
- *INITIATIVE TO THE LEGISLATURE NO. 25 (**Dam Construction and Water Diversion**)--Measure filed April 3, 1958. Signature petitions filed January 2, 1959 and upon completion of canvass found sufficient. The 1959 Legislature failed to take final action and as provided by the state constitution the measure was submitted to the voters for final decision at the November 8, 1960 state general election. Measure was approved by the following vote: **For**--526,130 **Against**--483,449. Act is now identified as Chapter 4, Laws of 1961.
- INITIATIVE TO THE LEGISLATURE NO. 26 (**Abolishing Capital Punishment**)--Measure filed March 10, 1960. No signature petitions presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 27 (**Restricting Federal Taxation and Activities**)--Measure filed June 27, 1960. No signature petitions presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 28 (**Civil Service for County Employees**)--Measure filed July 1, 1960. No signature petitions presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 29 (**Repealing Certain 1961 Tax Laws**)--Filed March 27, 1962 by the Citizens' Tax Revolt Group. Campaign for supporting signatures was not successful and, as a consequence, no signature petition sheets were filed for checking.

*Indicates measure became law.

INITIATIVES TO THE LEGISLATURE

- INITIATIVE TO THE LEGISLATURE NO. 30 (Reorganization of State Fisheries Department)**--Filed May 28, 1966 by the Washington State Sportsmen's Council. Campaign for supporting signatures was not successful and, as a consequence, no signature petition sheets were filed for checking.
- INITIATIVE TO THE LEGISLATURE NO. 31 (Laws Regulating Courts--Judges--Attorneys)**--Filed May 17, 1966 by Walter H. Philipp of Seattle. This was, in effect, a refile of Initiative Measure No. 232 and again no signatures were presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 32 (Local Processing of State Timber)**--Filed May 31, 1966 by the Committee for Full Employment in Washington. Signatures (136,181) filed December 30, 1966 and found sufficient. The 1967 Legislature failed to take final action and, as provided by the state constitution, the measure was submitted to the voters for final decision at the November 5, 1968 state general election. Measure was rejected by the following vote: **For**--450,559 **Against**--716,291.
- INITIATIVE TO THE LEGISLATURE NO. 33 (No caption written)**--Filed July 1, 1966 by George A. Guilmet of Edmonds. This was a proposed memorial to Congress concerning "the ending of the war now being waged by the United States Government and its armed forces in Vietnam and Southeast Asia." However, the office of the attorney general reversed its position in that a similar measure was filed in 1952 (Initiative to the Legislature No. 18) and declined to issue a ballot title on the grounds that the subject matter was not a proper subject to fall within the scope of the initiative procedure. As a consequence, the secretary of state returned the measure and filing fee to the sponsor.
- INITIATIVE TO THE LEGISLATURE NO. 34 ("Personal Effects" Tax Exemption)**--Filed March 20, 1968 by the Committee Against Unfair Personal Property Tax. No signatures presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 35 (State Citizens--War and Taxes)**--Filed April 28, 1970 by the Seattle Liberation Front--William Edward Kononen, Initiative Circulation Chairman. No signatures presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 36 (Licensing Dog Racing--Parimutuel Betting)**--Filed July 3, 1970 by Donald Nicholson of Kirkland. Because of technical errors, measure was refiled August 18, 1970 as Initiative to the Legislature No. 39.
- INITIATIVE TO THE LEGISLATURE NO. 37. (Transportation Revenues--Use and Distribution)**--Filed July 9, 1970 by William L. McCord and William L. Harrington, Co-sponsors. No signatures presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 38 (Certain Cities--Greyhound Racing Franchises)**--Filed July 31, 1970 by Herbert B. Shannon of Medina. Signatures (121,077) filed December 31, 1970. Checking revealed insufficient valid signatures submitted and the initiative was not certified to the 1971 Legislature.
- INITIATIVE TO THE LEGISLATURE NO. 39 (Licensing Dog Racing--Parimutuel Betting)**--Filed August 18, 1970 by Donald Nicholson and Dr. Lawrence Pirkle, Co-sponsors. Signatures (124,394) filed December 31, 1970. Checking revealed insufficient valid signatures submitted and the initiative was not certified to the 1971 Legislature.
- INITIATIVE TO THE LEGISLATURE NO. 40 (Litter Control Act)**--Filed August 20, 1970 by the Washington Committee to Stop Litter--Irving B. Stimpson, Secretary. Signatures (141,228) filed December 30, 1970 and found sufficient and the measure was certified to the Legislature as of January 29, 1971. The Legislature took no action insofar as Initiative Measure No. 40 but did pass an alternative measure No. 40B now identified as Chapter 307, Laws of 1971 1st Extraordinary Session, which contained an emergency clause and became effective law upon approval of the Governor on May 21, 1971. However, as required by the state constitution, both measures were submitted to the voters for final decision at the November 7, 1972 state general election. The votes cast on the original measure and the alternative proposal were as follows:

*Indicates measure became law.

INITIATIVES TO THE LEGISLATURE

For Either	Against Both	Prefer No. 40	Prefer No. 40B
788,151	418,764	194,128	798,931

As a consequence, Alternative Measure No. 40B prevailed which sustained Chapter 307, Laws of 1971 1st Extraordinary Session, as law.

INITIATIVE TO THE LEGISLATURE NO. 41 (Public Schools--Certain Courses Curtailed)--Filed September 4, 1970 by the Schools Belong to You Committee of the State of Washington--Dale R. Dorman, Chairman. No signatures presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 42--Filed September 21, 1970 by the Washington Environmental Council. Refiled September 25, 1970 as Initiative to the Legislature No. 43.

INITIATIVE TO THE LEGISLATURE NO. 43 (Regulating Shoreline Use and Development)--Filed September 25, 1970 by the Washington Environmental Council. Signatures (160,421) filed December 31, 1970 and found sufficient and the measure was certified to the Legislature as of January 29, 1971. The legislature took no action insofar as Initiative No. 43 but did pass an alternative measure No. 43B now identified as Chapter 286, Laws of 1971 1st Extraordinary Session, which became effective law as of June 1, 1971. However, as required by the state constitution both measures were submitted to the November 7, 1972 state general election. The votes cast on the original measure and the alternative proposal were as follows:

For Either	Against Both	Prefer No. 43	Prefer No. 43B
603,167	551,132	285,721	611,748

As a consequence, Alternative Measure No. 43B prevailed which sustained Chapter 286, Laws of 1971 1st Extraordinary Session, as law.

***INITIATIVE TO THE LEGISLATURE NO. 44 (Statutory Tax Limitation--20 Mills)**--Filed October 15, 1970 by the 40-Mill Tax Limit Committee--Lester P. Jenkins, Secretary. Signatures (229,785) filed December 30, 1970 and found sufficient and the measure was certified to the Legislature as of January 29, 1971. The Legislature took no action and, as provided by the state constitution, the initiative was submitted to the voters for final decision at the November 7, 1972 state general election and approved by the following vote: **For--930,275 Against--301,238.** Act is now identified as Chapter 2, Laws of 1973.

INITIATIVE TO THE LEGISLATURE NO. 45 (Restoration of Law Prohibiting Hitchhiking)--Filed July 10, 1972 by Mildred C. Trantow, President, Washington State Chapter of Pro America. No signatures presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 46 (Restricting School District Excess Levies)--Filed July 25, 1972 by Representative Paul Barden and Representative Vaughn Hubbard, Co-sponsors. No signatures presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 47 (Shall public schools be prohibited from teaching either the theory of evolution or that of creation unless both are taught?)--Filed April 3, 1974 by Ward E. Ellsworth. No signatures presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 48 (Shall state financial support for public schools be greatly increased for 1975-77 and school district excess levies restricted after 1975?)--Filed April 9, 1974 by the Committee for State School Support. No signatures presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 49 (Shall an initiative be adopted declaring persons ineligible for election to given state offices for more than 12 consecutive years?)--Filed July 5, 1974 by Senator Peter von Reichbauer. No signatures presented for checking.

*Indicates measure became law.

INITIATIVES TO THE LEGISLATURE

- INITIATIVE TO THE LEGISLATURE NO. 50 (Shall greyhound dog racing, with parimutuel betting, be permitted when licensed by a state commission and subject to its control?)-- Filed July 16, 1974 by Donald Nicholson. No signatures presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 51 (Constitutional Amendment--Qualifications of Legislators)--Filed March 11, 1976 by Harley H. Hoppe of Mercer Island. Attorney General declined to prepare ballot title.
- INITIATIVE TO THE LEGISLATURE NO. 52 (Shall commercial fishing for or taking of food fish, crab or shrimp in Hood Canal be prohibited?)--Filed April 15, 1976 by J.L. Parsons of Union, WA. No signatures presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 53 (Shall special levies be limited, and additional state support provided to most districts which approve such limited levies?)--Filed April 21, 1976 by Representative Phyllis K. Erickson of Tacoma. No signatures presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 54 (Shall an initiative be adopted prohibiting holding most state offices longer than twelve years and judicial offices past age 70?)--Filed April 28, 1976 by Jack Metcalf of Langley, WA. No signatures presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 55 (Shall persons convicted of certain felonies be imprisoned for a mandatory period of years?)--Filed May 7, 1976 by Senator Kent Pullen of Kent, WA. Re filed as Initiative to the Legislature No. 56.
- INITIATIVE TO THE LEGISLATURE NO. 56 (Shall persons convicted of most felonies be imprisoned for a mandatory period of years?)--Filed June 1, 1976 by Senator Kent Pullen of Kent, WA. No signatures presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 57 (Shall an initiative be adopted providing that special legislative sessions, however convened, be limited to thirty days and specific subjects?)--Filed July 14, 1976 by Senator Harry Lewis of Olympia. No signatures presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 58 (Shall an initiative be adopted memorializing the legislature to impeach and remove King County Superior Court Judge Solie M. Ringold?)--Filed July 14, 1976 by Paul O. Snyder of Seattle. No petition submitted.
- *INITIATIVE TO THE LEGISLATURE NO. 59 (Shall new appropriations of public water for nonpublic agricultural irrigation be limited to farms of 2,000 acres or less?)--Filed August 16, 1976 by Ray Hill of Seattle. Signatures (191,012) submitted and found sufficient and measure was certified to the legislature January 14, 1977. The legislature referred this measure to the 1977 state general election ballot. At the November 8, 1977 general election the measure was approved by the following vote: For--457,054 Against--437,682. Act is now identified as Chapter 3, Laws of 1979.
- INITIATIVE TO THE LEGISLATURE NO. 60 (Shall an initiative be adopted authorizing a legislator to convene a grand jury to consider allegations of improper judicial conduct?)-- Filed March 28, 1978 by Mr. Gerald P. Hanson of Maple Valley. No signatures were presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 61 (Shall a system requiring a minimum five cent refund on sales of beer, malt and carbonated beverage containers be established?)-- Filed May 1, 1978 by Mr. Steve Zemke of Seattle. Signatures (164,325) submitted and a random sample of 8,180 was taken and found sufficient and measure was certified to the Legislature on February 19, 1979. The legislature referred this measure to the 1979 state general election ballot. At the November 6, 1979 general election the measure was rejected. The preliminary figures for the vote are: For--333,062 Against--427,822.
- *INITIATIVE TO THE LEGISLATURE NO. 62 (Shall state tax revenues be limited so that increases do not exceed the growth rate of total state personal income?)--Filed June 1, 1978 by Ron Dunlap and Ellen Craswell of the Washington Tax Limitation Committee.

*Indicates measure became law.

INITIATIVES TO THE LEGISLATURE

Signatures (169,456) submitted and found sufficient and measure was certified to the legislature on January 18, 1979. The legislature referred this measure to the 1979 state general election ballot. At the November 6, 1979 general election the measure was approved. The preliminary figures for the vote are: **For**--509,349 **Against**--235,431.

INITIATIVE TO THE LEGISLATURE NO. 63 (Shall participation in the state militia and law enforcement units not be denied to persons by reason of physical handicaps?)—Filed June 28, 1978 by Mr. Daniel M. Jones of Olympia. No signatures were presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 64—Attorney General refused to write a ballot title.

INITIATIVE TO THE LEGISLATURE NO. 65 (Shall state school levies be subject to the same six percent annual increase limit as other regular property tax levies?)—Filed July 12, 1978 by Mr. Ron Dunlap and Mrs. Ellen Craswell. No signatures were presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 66 (Shall the Consumer Protection Act be amended to provide trebled actual damages in private actions and define specific unlawful acts?)—Filed July 14, 1978 by Mr. Norman L. Bachert of Seattle. No signatures were brought in for checking.

INITIATIVE TO THE LEGISLATURE NO. 67 (Shall an initiative be adopted providing for the recall of United States senators and representatives during legislatively called special elections?)—Filed July 27, 1978 by Mr. Victor J. Bonagofski of Centralia. No signatures were presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 68 (Shall property tax assessments be based on 1976 values, with certain exceptions and assessment increases limited to 2% per year?)—Filed July 21, 1978 by Mr. Bruce Gould of Vancouver. No signatures were presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 69 (Shall single family dwellings and farm buildings be tax exempt, and state and local taxing and borrowing powers be restricted?)—Filed July 26, 1978 by Mr. Gerald P. Hanson of Maple Valley. No signatures were presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 70 (Shall the rates of state sales and business taxes temporarily be reduced 22.2% and 25% respectively during the year 1980?)—Filed August 11, 1978 by Mr. Paul Sanders of Bellevue. No signatures were presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 71 (Shall property taxes be based on 1976 values limited to 2% annual increases, and other property tax changes be enacted?)—Filed August 16, 1978 by Mr. J. Van Self of Tacoma. No signatures were presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 72 (Shall state school levies be limited to 6% annual increases and disabled retirees or elderly property tax exemptions be increased?)—Filed November 20, 1978 by Mr. Claude Oliver of Kennewick. No signatures were presented for checking.

*Indicates measure became law.

REFERENDUM MEASURES

REFERENDUM MEASURES

- REFERENDUM MEASURE NO. 1 (Chapter 48, Laws of 1913, Teachers' Retirement Fund)--Filed March 11, 1913. Submitted to the people at the state general election held on November 3, 1914. *Failed to pass by the following vote: For--59,051 Against--252,356. As a consequence, Chapter 48, Laws of 1913 did not become law.
- REFERENDUM MEASURE NO. 2 (Chapter 180, Laws of 1913, Quincy Valley Irrigation Measure)--Filed March 25, 1913. Submitted to the people at the state general election held on November 3, 1914. *Failed to pass by the following vote: For--102,315 Against--189,065. As a consequence, Chapter 180, Laws of 1913 did not become law.
- REFERENDUM MEASURE NO. 3 (Chapter 54, Laws of 1915, Relating to Initiative and Referendum)--Filed March 18, 1915. Submitted to the people at the state general election held on November 7, 1916. *Failed to pass by the following vote: For--62,117 Against--196,363. As a consequence, Chapter 54, Laws of 1915 did not become law.
- REFERENDUM MEASURE NO. 4 (Chapter 55, Laws of 1915, Recall of Elective Public Officers)--Filed March 18, 1915. Submitted to the people at the state general election held on November 7, 1916. *Failed to pass by the following vote: For--63,646 Against--193,686. As a consequence, Chapter 55, Laws of 1915 did not become law.
- REFERENDUM MEASURE NO. 5 (Chapter 52, Laws of 1915, Party Conventions Act)--Filed March 25, 1915. Submitted to the people at the state general election held on November 7, 1916. *Failed to pass by the following vote: For--49,370 Against--200,499. As a consequence, Chapter 52, Laws of 1915 did not become law.
- REFERENDUM MEASURE NO. 6 (Chapter 181, Laws of 1915, Anti-Picketing)--Filed March 25, 1915. Submitted to the people at the state general election held on November 7, 1916. *Failed to pass by the following vote: For--85,672 Against--183,042. As a consequence, Chapter 181, Laws of 1915 did not become law.
- REFERENDUM MEASURE NO. 7 (Chapter 178, Laws of 1915, Certificate of Necessity Act)--Filed March 25, 1915. Submitted to the people at the state general election held on November 7, 1916. *Failed to pass by the following vote: For--46,820 Against--201,742. As a consequence, Chapter 178, Laws of 1915 did not become law.
- REFERENDUM MEASURE NO. 8 (Chapter 46, Laws of 1915, Port Commission)--Filed March 25, 1915. Submitted to the people at the state general election held on November 7, 1916. *Failed to pass by the following vote: For--45,264 Against--195,253. As a consequence, Chapter 46, Laws of 1915 did not become law.
- REFERENDUM MEASURE NO. 9 (Chapter 49, Laws of 1915, Budget System)--Filed March 25, 1915. Submitted to the people at the state general election held on November 7, 1916. *Failed to pass by the following vote: For--67,205 Against--181,833. As a consequence, Chapter 49, Laws of 1915 did not become law.
- REFERENDUM MEASURE NO. 10 (Chapter 19, Laws of 1917, Bone Dry Law)--Filed February 20, 1917. Submitted to the people at the state general election held on November 5, 1918. Measure passed by the following vote: For--96,100 Against--54,322.
- REFERENDUM MEASURE NO. 11 (Chapter 167, Laws of 1917, Capitol Building Fund Bonds)--Filed April 23, 1917. No petition filed.
- REFERENDUM MEASURE NO. 12A (Chapter 77, Laws of 1919, Salary of Judges)--Filed April 14, 1919. No petition filed.
- REFERENDUM MEASURE NO. 12B (Chapter 59, Laws of 1921, Certificate of Necessity)--Filed March 26, 1921. Submitted to the people at the state general election held on November 7, 1922. *Failed to pass by the following vote: For--64,800 Against--154,905. As a consequence, Chapter 59, Laws of 1921 did not become law.

*Term "Failed to pass" indicates sponsor of Referendum was successful in attempt to prevent measure from becoming effective law.

REFERENDUM MEASURES

- REFERENDUM MEASURE NO. 13A (Chapter 112, Laws of 1919, Death Penalty)—Filed April 14, 1919. No petition filed.
- REFERENDUM MEASURE NO. 13B (Chapter 175, Laws of 1921, Physical Examination of School Children)—Filed April 4, 1921. Submitted to the people at the state general election held on November 7, 1922. *Failed to pass by the following vote: For—96,874 Against—156,113. As a consequence, Chapter 175, Laws of 1921 did not become law.
- REFERENDUM MEASURE NO. 14A (Senate Joint Resolution No. 1, Laws of 1919, Intoxicating Liquor)—Filed March 20, 1919. Insufficient number of signatures on petition.
- REFERENDUM MEASURE NO. 14B (Chapter 177, Laws of 1921, Primary Nominations and Registrations)—Filed April 9, 1921. Submitted to the people at the state general election held on November 7, 1922. *Failed to pass by the following vote: For—60,593 Against—164,004. As a consequence, Chapter 177, Laws of 1921 did not become law.
- REFERENDUM MEASURE NO. 15 (Chapter 176, Laws of 1921, Party Conventions)—Filed April 9, 1921. Submitted to the people at the state general election held on November 7, 1922. *Failed to pass by the following vote: For—57,324 Against—140,299. As a consequence, Chapter 176, Laws of 1921 did not become law.
- REFERENDUM MEASURE NO. 16 (Chapter 22, Laws of 1923, Butter Substitutes)—Filed March 22, 1923. Submitted to the people at the state general election held on November 4, 1924. *Failed to pass by the following vote: For—169,047 Against—203,016. As a consequence, Chapter 22, Laws of 1923 did not become law.
- REFERENDUM MEASURE NO. 17 (Chapter 115, Laws of 1929, Creating Department of Highways)—Filed April 27, 1929. No petition filed.
- REFERENDUM MEASURE NO. 18 (Chapter 51, Laws of 1933, Cities and Towns; Electric Energy)—Filed April 7, 1933. Submitted to the people at the state general election held on November 6, 1934. Measure passed by the following vote: For—221,590 Against—160,244.
- REFERENDUM MEASURE NO. 19 (Chapter 55, Laws of 1933, Horse Racing)—Filed April 3, 1933. No petition filed.
- REFERENDUM MEASURE NO. 20 (Chapter 118, Laws of 1935, Regulating Pilots)—Filed February 8, 1935. No petition filed.
- REFERENDUM MEASURE NO. 21 (Chapter 26, Laws of 1935, Blanket Primary Ballot)—Filed April 8, 1935. No petition filed.
- REFERENDUM MEASURE NO. 22 (Chapter 209, Laws of 1941, Industrial Insurance)—Filed April 3, 1941. Submitted to the people at the state general election held on November 3, 1942. Measure passed by the following vote: For—246,257 Against—108,845.
- REFERENDUM MEASURE NO. 23 (Chapter 158, Laws of 1941, Providing for Legal Adviser for Grand Juries)—Filed April 16, 1941. Submitted to the people at the state general election held on November 3, 1942. *Failed to pass by the following vote: For—126,972 Against—148,266. As a consequence, Chapter 158, Laws of 1941 did not become law.
- REFERENDUM MEASURE NO. 24 (Chapter 191, Laws of 1941, Prosecuting Attorneys; Providing that they shall no longer give advice to Grand Juries)—Filed April 16, 1941. Submitted to the people at the state general election held on November 3, 1942. *Failed to pass by the following vote: For—114,603 Against—148,439. As a consequence, Chapter 191, Laws of 1941 did not become law.
- REFERENDUM MEASURE NO. 25 (Chapter 15, Laws of 1943, Relating to Public Utility Districts)—Filed March 18, 1943. Submitted to the people at the state general election held on November 7, 1944. *Failed to pass by the following: For—297,919 Against—373,051. As a consequence, Chapter 15, Laws of 1943 did not become law.

*Term "Failed to pass" indicates sponsor of Referendum was successful in attempt to prevent measure from becoming effective law.

REFERENDUM MEASURES

- REFERENDUM MEASURE NO. 26 (Chapter 37, Laws of 1945, Relating to appointment of State Game Commissioners by the Governor)--Filed April 3, 1945. Signature petitions filed June 6, 1945, and found sufficient. Submitted to the people at the state general election held on November 5, 1946. *Failed to pass by the following vote: For--69,490 Against--447,819. As a consequence, Chapter 37, Laws of 1945 did not become law.
- REFERENDUM MEASURE NO. 27 (Chapter 202, Laws of 1945, Relating to the creation of a State Timber Resources Board)--Filed April 3, 1945. Signature petitions filed June 6, 1945, and found sufficient. Submitted to the people at the state general election held on November 5, 1946. *Failed to pass by the following vote: For--107,731 Against--422,026. As a consequence, Chapter 202, Laws of 1945 did not become law.
- REFERENDUM MEASURE NO. 28 (Portion of Chapter 235, Laws of 1949, Relating to accident and health insurance covering employees eligible for unemployment compensation)--Filed March 30, 1949. Signature petitions filed June 8, 1949 and found sufficient. Submitted to the people at the state general election held on November 7, 1950. *Failed to pass by the following vote: For--163,923 Against--467,574. As a consequence, only sections 1 through 5, inclusive, became law.
- REFERENDUM MEASURE NO. 29 (Portion of Chapter 190, Laws of 1949, Amending State Insurance Code)--Filed April 2, 1949. No signature petitions presented for canvassing.
- REFERENDUM MEASURE NO. 30 (Chapter 280, Laws of 1957, Inheritance Tax on Insurance Proceeds)--Filed April 12, 1957. Signature petitions filed June 17, 1957, and found sufficient. Measure submitted to the voters at the state general election held on November 4, 1958. *Failed to pass by the following vote: For--52,223 Against--811,539. As a consequence, Chapter 280, Laws of 1957 did not become law.
- REFERENDUM MEASURE NO. 31 (Portion of Chapter 297, Laws of 1959, Authorizing corporations and joint stock associations to practice engineering)--Filed March 31, 1959. Signature petition sheets presented for canvassing June 10, 1959. Results of canvassing revealed that sponsors missed obtaining necessary number of valid signatures by 1,124 signatures. As a result attempt to refer law to voters failed.
- REFERENDUM MEASURE NO. 32 (Chapter 298, Laws of 1961, Washington State Milk Marketing Act)--Filed March 22, 1961 by the Washington State Milk Consumers' League. Supporting signature petition sheets filed June 14, 1961, and as of July 26, 1961, it was determined that the necessary number of valid signatures had been obtained to certify measure for final decision by the voters at the state general election held on November 6, 1962. *Failed to pass by the following vote: For--153,419 Against--677,530. As a consequence, Chapter 298, Laws of 1961 did not become law.
- REFERENDUM MEASURE NO. 33 (Chapter 275, Laws of 1961, Private Auditors of Municipal Accounts)--Filed April 3, 1961 by Cliff Yelle, State Auditor. Supporting signature petition sheets filed June 6, 1961, and as of July 18, 1961, it was determined that the necessary number of valid signatures had been obtained to certify measure for final decision by the voters at the state general election held on November 6, 1962. *Failed to pass by the following vote: For--242,189 Against--563,475. As a consequence, Chapter 275, Laws of 1961 did not become law.
- REFERENDUM MEASURE NO. 34 (Chapter 37, Laws of 1963, Mechanical Devices, Salesboards, Cardrooms, Bingo)--Filed April 11, 1963 by Dr. Homer W. Humiston of Tacoma, Washington. Since said act contained an emergency clause making the law effective upon the approval of the Governor it was necessary for Dr. Humiston to initiate court action to determine whether or not emergency clause was valid. As of April 11, 1963 the State Supreme Court setting en banc ruled that the emergency clause was not valid and directed the Secretary of State to accept and file papers relative to the referendum (Case No. 36998).
Dr. Humiston, as sponsor of Referendum Measure No. 34, filed signature petition sheets containing a total of 82,995 signatures supporting Referendum Measure No. 34, during the period June 3 through June 12, 1963.

*Term "Failed to pass" indicates sponsor of Referendum was successful in attempt to prevent measure from becoming effective law.

REFERENDUM MEASURES

As of June 24, 1963, it was discovered that all such signature petition sheets had been stolen. However, two days later (June 26, 1963), Secretary of State Victor A. Meyers certified Referendum Measure No. 34 to the respective county auditors with direction that said measure appear upon the November 3, 1964 state general election ballot in spite of the fact that the signatures had been stolen. Such action was justified upon the grounds that the sponsor of said referendum had filed 82,995 signatures when only 48,630 valid signatures were needed. On July 22, 1963 the Amusement Association of Washington brought court action against the Secretary of State challenging the certification of Referendum Measure No. 34.

On July 22, 1963, the Thurston County Superior Court ruled that the Secretary of State had acted properly under the circumstances. On March 26, 1964, the State Supreme Court sustained the Thurston County Superior Court by likewise ruling that the Secretary of State's certification was valid.

Measure then submitted to the voters at the state general election held on November 3, 1964. ***Failed to pass** by the following vote: **For**--505,633 **Against**--622,987. **As a consequence, Chapter 37, Laws of 1963 did not become law.**

REFERENDUM MEASURE NO. 35 (Portion of Chapter 22, Laws of 1967, Nondiscrimination by Realty Brokers, Salesmen)--Filed March 22, 1967 by the AD-HOC (Advisory Home Owners Committee). Signatures (81,146) filed June 6, 1967 and found sufficient. Measure submitted to the voters for decision at the November 5, 1968 state general election. Measure passed by the following vote: **For**--580,578 **Against**--276,161. Consequently, the attempt by the sponsors of this referendum to negate the open housing provision of Chapter 22, Laws of 1967 was unsuccessful.

REFERENDUM MEASURE NO. 36 (Chapter 100, Laws of 1973, Minimum Age--Alcoholic Beverage Control)--Filed April 4, 1973 by Lloyd C. Tremain, Chairman, Citizens United for Responsible Legislation. Signatures (79,389) filed June 7, 1973 and found sufficient. Measure submitted to the voters for decision at the November 6, 1973 state general election. ***Failed to pass** by the following vote: **For**--495,624 **Against**--510,491. **As a consequence, Chapter 100, Laws of 1973 did not become law.**

REFERENDUM MEASURE NO. 37 (Chapter 288, Laws of 1975 Extraordinary Session, Shall the present law governing professional negotiations for certificated educational employees be repealed, and a new law substituted therefore?)--Filed July 18, 1975 by Mrs. Alice K. Matz of Kent, Washington. No signatures presented for checking.

REFERENDUM MEASURE NO. 38 (Chapter 113, Laws of 1975-'76 2nd Extraordinary Session, Shall the salaries of state legislators be increased from \$3,800 to \$7,200 effective at the beginning of their next term?)--Filed April 6, 1976 by Mr. Paul E. Byrd of Tacoma. No signatures presented for checking.

REFERENDUM MEASURE NO. 39 (Chapter 361, Laws of 1977 Extraordinary Session, Shall certain changes be made in voter registration laws, including registration by mail and absentee voting on one day's registration?)--Filed June 22, 1977 by Kent Pullen. Signatures (74,000) filed September 20, 1977 and found sufficient. Measure submitted to the voters for decision at the November 8, 1977 state general election. ***Failed to pass** by the following vote: **For**--303,353 **Against**--632,131. **As a consequence, Chapter 361, Laws of 1977 Ex. Sess. did not become law.**

REFERENDUM MEASURE NO. 40 (Chapter 288, Laws of 1977 Extraordinary Session, Shall a state women's commission be established by statute?)--Filed July 29, 1977 by Susan Roylance, Representative of Women for Integrity in the Nation. Signatures (108,000) filed September 20, 1977 and found sufficient. Measure submitted to the voters for decision at the November 8, 1977 state general election. ***Failed to pass** by the following vote: **For**--259,761 **Against**--664,962. **As a consequence, Chapter 288, Laws of 1977 Ex. Sess. did not become law.**

*Term "Failed to pass" indicates sponsor of Referendum was successful in attempt to prevent measure from becoming effective law.

REFERENDUM BILLS

REFERENDUM BILLS

(Measures passed by the Legislature and referred to the voters)

- REFERENDUM BILL NO. 1 (Chapter 99, Laws of 1919, State System Trunk Line Highways)--Filed March 13, 1919. Submitted to the people at the state general election held on November 2, 1920. Failed to pass by the following vote: For--117,425 Against--191,783.
- *REFERENDUM BILL NO. 2 (Chapter 1, Laws of Extraordinary Session, 1920, Soldiers' Equalized Compensation)--Filed March 25, 1920. Submitted to the people at the state general election held on November 2, 1922. Measure approved by the following vote: For--224,356 Against--88,128.
- REFERENDUM BILL NO. 3 (Chapter 87, Laws of 1923, Electric Power Bill)--Filed March 22, 1923. Submitted to the people at the state general election held on November 4, 1924. Failed to pass by the following vote: For--99,459 Against--208,809.
- REFERENDUM BILL NO. 4 (Chapter 164, Laws of 1935, Flood Control; Creating Sinking Fund)--Filed March 22, 1935. Submitted to the people at the state general election held on November 3, 1936. Failed to pass by the following vote: For--114,055 Against--334,035.
- *REFERENDUM BILL NO. 5 (Chapter 83, Laws of 1939, 40-Mill Tax Limit)--Filed March 10, 1939. Submitted to the people at the state general election held on November 5, 1940. Measure approved by the following vote: For--390,639 Against--149,843.
- *REFERENDUM BILL NO. 6 (Chapter 176, Laws of 1941, Taxation of Real and Personal Property)--Filed March 22, 1941. Submitted to the people at the state general election held on November 3, 1942. Measure approved by the following vote: For--252,431 Against--75,540.
- *REFERENDUM BILL NO. 7 (Chapter 229, Laws of 1949--\$40,000,000.00 Bond Issue to Give State Assistance in Construction of Public School Plant Facilities)--Filed March 22, 1949. Submitted to the people at the state general election held on November 7, 1950. Measure approved by the following vote: For--395,417 Against--248,200.
- *REFERENDUM BILL NO. 8 (Chapter 230, Laws of 1949--\$20,000,000.00 Bond Issue to Provide Funds for Buildings at State Operated Institutions)--Filed March 22, 1949. Submitted to the people at the state general election held on November 7, 1950. Measure approved by the following vote: For--377,941 Against--262,615.
- REFERENDUM BILL NO. 9 (Chapter 231, Laws of 1949--\$20,000,000.00 Bond Issue to Provide Funds for Buildings at State Institutions of Higher Learning)--Filed March 22, 1949. Submitted to the people at the state general election held on November 7, 1950. Failed to pass by the following vote: For--312,500 Against--314,840.
- *REFERENDUM BILL NO. 10 (Chapter 299, Laws of 1957--\$25,000,000.00 Bond Issue to Provide Funds for Buildings at State Operated Institutions and State Institutions of Higher Learning)--Filed March 26, 1957. Measure submitted to the voters at the state general election held on November 4, 1958. Measure approved by the following vote: For--402,937 Against--391,726.
- *REFERENDUM BILL NO. 11 (Chapter 12, Laws Extraordinary Session, 1963--Outdoor Recreation Bond Issue)--Filed April 18, 1963. Submitted to the voters at the state general election held on November 3, 1964. Measure approved by the following vote: For--614,903 Against--434,978.
- *REFERENDUM BILL NO. 12 (Chapter 26, Laws Extraordinary Session, 1963--Bonds For Public School Facilities)--Filed April 18, 1963. Submitted to the voters at the state general election held on November 3, 1964. Measure approved by the following vote: For--782,682 Against--300,674.

*Indicates measure became law.

REFERENDUM BILLS

- *REFERENDUM BILL NO. 13 (Chapter 27, Laws Extraordinary Session, 1963--Bonds For Juvenile Correctional Institution)--Filed April 18, 1963. Submitted to the voters at the state general election held on November 3, 1964. Measure approved by the following vote: For--761,862 Against--299,783.
- *REFERENDUM BILL NO. 14 (Chapter 158, Laws Extraordinary Session, 1965--Bonds for Public School Facilities)--Filed May 12, 1965. Measure submitted to the voters for decision at the November 8, 1966 state general election and was approved by the following vote: For--583,705 Against--288,357.
- *REFERENDUM BILL NO. 15 (Chapter 172, Laws Extraordinary Session, 1965--Bonds for Public Institutions)--Filed May 15, 1965. Measure submitted to the voters for decision at the November 8, 1966 state general election and was approved by the following vote: For--597,715 Against--263,902.
- *REFERENDUM BILL NO. 16 (Chapter 152, Laws Extraordinary Session, 1965--Congressional Reapportionment and Redistricting)--Enrolled bill was received directly from the office of Chief Clerk, House of Representatives and filed May 7, 1965, thus bypassing the office of the Governor. Measure submitted to the voters for decision at the November 8, 1966 state general election and was approved by the following vote: For--416,630 Against--384,466.
- *REFERENDUM BILL NO. 17 (Chapter 106, Laws of 1967--Water Pollution Control Facilities Bonds)--Filed March 21, 1967. Measure submitted to the voters for decision at the November 5, 1968 state general election and was approved by the following vote: For--845,372 Against--276,161.
- *REFERENDUM BILL NO. 18 (Chapter 126, Laws Extraordinary Session, 1967--Bonds for Outdoor Recreation)--Filed May 3, 1967. Measure submitted to the voters for decision at the November 5, 1968 state general election and was approved by the following vote: For--763,806 Against--354,646.
- *REFERENDUM BILL NO. 19 (Chapter 148, Laws Extraordinary Session, 1967--State Building Projects: Bond Issue)--Filed May 10, 1967. Measure submitted to the voters for decision at the November 5, 1968 state general election and was approved by the following vote: For--606,236 Against--458,358.
- *REFERENDUM BILL NO. 20 (Chapter 3, Laws of 1970--Changes in Abortion Law)--Filed February 9, 1970. Measure submitted to the voters for decision at the November 3, 1970 state general election and was approved by the following vote: For--599,959 Against--462,174.
- *REFERENDUM BILL NO. 21 (Chapter 40, Laws of 1970--Outdoor Recreation Bonds--Sales; Interest)--Filed February 24, 1970. Measure submitted to the voters for decision at the November 3, 1970 state general election and was approved by the following vote: For--520,162 Against--474,548.
- REFERENDUM BILL NO. 22 (Chapter 66, Laws of 1970--State Building Bonds--Sales; Interest)--Filed February 24, 1970. Measure submitted to the voters for decision at the November 3, 1970 state general election and failed to pass by the following vote: For--399,608 Against--574,887.
- *REFERENDUM BILL NO. 23 (Chapter 67, Laws of 1970--Pollution Control Bonds--Sales; Interest)--Filed February 24, 1970. Measure submitted to the voters for decision at the November 3, 1970 state general election and was approved by the following vote: For--581,819 Against--414,976.
- *REFERENDUM BILL NO. 24 (Chapter 82, Laws of 1972--Lobbyists--Regulation, Registration and Reporting)--Filed February 22, 1972. Measure submitted to the voters for decision at the November 7, 1972 state general election and was approved by the following vote: For--696,455 Against--576,404.

*Indicates measure became law.

REFERENDUM BILLS

- *REFERENDUM BILL NO. 25 (Chapter 98, Laws of 1972--Regulating Certain Electoral Campaign Financing)--**Filed February 24, 1972. Measure submitted to the voters for decision at the November 7, 1972 state general election and was approved by the following vote: **For--694,818 Against--574,856.**
- *REFERENDUM BILL NO. 26 (Chapter 127, Laws of 1972--Bonds for Waste Disposal Facilities)--**Filed February 25, 1972. Measure submitted to the voters for decision at the November 7, 1972 state general election and was approved by the following vote: **For--827,077 Against--489,459.**
- *REFERENDUM BILL NO. 27 (Chapter 128, Laws of 1972--Bonds for Water Supply Facilities)--**Filed February 28, 1972. Measure submitted to the voters for decision at the November 7, 1972 state general election and was approved by the following vote: **For--790,063 Against--544,176.**
- *REFERENDUM BILL NO. 28 (Chapter 129, Laws of 1972--Bonds for Public Recreation Facilities)--**Filed February 28, 1972. Measure submitted to the voters for decision at the November 7, 1972 state general election and was approved by the following vote: **For--758,530 Against--579,975.**
- *REFERENDUM BILL NO. 29 (Chapter 130, Laws of 1972--Health, Social Service Facility Bonds)--**Filed February 28, 1972. Measure submitted to the voters for decision at the November 7, 1972 state general election and was approved by the following vote: **For--734,712 Against--594,172.**
- REFERENDUM BILL NO. 30 (Chapter 132, Laws of 1972--Bonds for Public Transportation Improvements)--**Filed February 28, 1972. Measure submitted to the voters for decision at the November 7, 1972 state general election and was rejected by the following vote: **Against--665,493 For--637,841.**
- *REFERENDUM BILL NO. 31 (Chapter 133, Laws of 1972--Bonds for Community College Facilities)--**Filed February 28, 1972. Measure submitted to the voters for decision at the November 7, 1972 state general election and was approved by the following votes: **For--721,403 Against--594,963.**
- REFERENDUM BILL NO. 32 (Chapter 199, Laws 1st Extraordinary Session, 1973--Shall county auditors be required to appoint precinct committeemen of major political parties as deputy voting registrars upon their request?)--**Filed April 26, 1973. Measure submitted to the voters for decision at the November 6, 1973 state general election and was rejected by the following vote: **For--291,323 Against--609,306.**
- *REFERENDUM BILL NO. 33 (Chapter 200, Laws 1st Extraordinary Session, 1973--Shall personalized motor vehicle license plates be issued with resulting extra fees to be used exclusively for wildlife preservation?)--**Filed April 26, 1973. Measure submitted to the voters for decision at the November 6, 1973 state general election and was approved by the following vote: **For--613,921 Against--362,195.**
- REFERENDUM BILL NO. 34 (Chapter 152, Laws 1st Extraordinary Session, 1974--Shall a state lottery be conducted under gambling commission regulations with prizes totaling not less than 45% of gross income?)--**Filed April 26, 1974. Measure submitted to the voters for decision at the November 5, 1974 state general election, received the following vote: **For--515,404 Against--425,903,** and thus failed to be approved by a sixty percent majority of the voters voting on the measure, see state Constitution, Amendment 56 and AGLO 1974 No. 49.
- REFERENDUM BILL NO. 35 (Chapter 89, Laws of 1975 Extraordinary Session--Shall the Governor, in filling U.S. Senate vacancies, be limited to the same political party as the former incumbent?)--**Filed March 27, 1975. Measure submitted to the voters for decision at the November 4, 1975 state general election and was defeated by the following vote: **For--430,642 Against--501,894.**
- *REFERENDUM BILL NO. 36 (Chapter 104, Laws of 1975-'76 2nd Extraordinary Session--** Shall certain appointed state officers be required to file reports of their financial affairs with

*Indicates measure became law.

REFERENDUM BILLS

the public disclosure commission?)--Filed March 19, 1976. Measure submitted to the voters for decision at the November 2, 1976 state general election and was approved by the following vote: **For--963,309 Against--419,693.**

***REFERENDUM BILL NO. 37 (Chapter 221, Laws of 1979 1st Extraordinary Session--Shall \$25 million in state general obligation bonds be authorized for facilities to train, rehabilitate and care for handicapped persons?)**--Filed June 11, 1979. Measure submitted to the voters for decision at the November 6, 1979 state general election and was approved. The preliminary figures for the vote are: **For--498,314 Against--245,822.**

*Indicates measure became law.

HISTORY OF ADOPTED CONSTITUTIONAL AMDTS.

HISTORY OF CONSTITUTIONAL AMENDMENTS ADOPTED SINCE STATEHOOD

- No. 1. Amending Section 5, Article XVI. Re: **Permanent School Fund**. Adopted November, 1894.
- No. 2. Amending Section 1, Article VI. Re: **Qualification of Electors**. Adopted November, 1896.
- No. 3. Amending Section 2, Article VII. Re: **Uniform Rates of Taxation**. Adopted November, 1900.
- No. 4. Amending Section 11, Article I. Re: **Religious Freedom**. Adopted November, 1904.
- No. 5. Amending Section 1, Article VI. Re: **Equal Suffrage**. Adopted November, 1910.
- No. 6. Amending Section 10, Article III. Re: **Succession in Office of Governor**. Adopted November, 1910.
- No. 7. Amending Section 1, Article II. Re: **Initiative and Referendum**. Adopted November, 1912.
- No. 8. Adding Sections 33 and 34, Article I. Re: **Recall**. Adopted November, 1912.
- No. 9. Amending Section 16, Article I. Re: **Taking of Private Property**. Adopted November, 1922.
- No. 10. Amending Section 22, Article I. Re: **Right of Appeal**. Adopted November, 1922.
- No. 11. Amending Section 4, Article VIII. Re: **Appropriation**. Adopted November, 1922.
- No. 12. Amending Section 5, Article XI. Re: **Consolidation of County Offices**. Adopted November, 1924.
- No. 13. Amending Section 15, Article II. Re: **Vacancies in the Legislature**. Adopted November, 1930.
- No. 14. Amending Article VII. Re: **Revenue and Taxation**. Adopted November, 1930.
- No. 15. Amending Section 1, Article XV. Re: **Harbors and Harbor Areas**. Adopted November, 1932.
- No. 16. Amending Section 11, Article XII. Re: **Double Liability of Stockholders**. Adopted November, 1940.
- No. 17. Amending Section 2, Article VII. Re: **40-Mill Tax Limit**. Adopted November, 1944.
- No. 18. Adding Section 40, Article II. Re: **Restriction of motor vehicle license fees and excise taxes on motor fuels to highway purposes only**. Adopted November, 1944.
- No. 19. Adding Section 3, Article VII. Re: **State to tax the United States and its instrumentalities to the extent that the laws of the United States will allow**. Adopted November, 1946.
- No. 20. Adding Section 1, Article XXVIII. Re: **Legislature to fix the salaries of state elective officials**. Adopted November, 1948.
- No. 21. Amending Section 4, Article XI. Re: **Permit counties to adopt "Home Rule" charters**. Adopted November, 1948.
- No. 22. Repealing Section 7 of Article XI. Re: **County elective officials**. (These officials can now hold same office more than two terms in succession.) Adopted November, 1948.
- No. 23. Adding Section 16, Article XI. Re: **Permitting the formation, under a charter, of combined city and county municipal corporations having a population of 300,000 or more**. Adopted November, 1948.

HISTORY OF ADOPTED CONSTITUTIONAL AMDTS.

- No. 24. Amending Article II, Section 33. Re: **Permitting ownership of land by Canadians who are citizens of provinces wherein citizens of the State of Washington may own land.** (All provinces of Canada authorize such ownership.) Adopted November, 1950.
- No. 25. Adding Section 3(a), Article IV. Re: **Establishing Retirement Age for Judges of Supreme and Superior Courts.** Adopted November, 1952.
- No. 26. Adding Section 41, Article II. Re: **Permitting the Legislature to Amend Initiative Measures.** Adopted November, 1952.
- No. 27. Amending Section 6, Article VIII. Re: **Extending Bonding Powers of School Districts.** Adopted November, 1952.
- No. 28. Amending Sections 6 and 10, Article IV. Re: **Increasing Monetary Jurisdiction of Justice Courts.** Adopted November, 1952.
- No. 29. Amending Article II, Section 33. Re: **Redefining "Alien," thereby permitting the Legislature to determine the policy of the state respecting the ownership of land by corporations having alien shareholders.** Adopted November, 1954.
- No. 30. Adding Section 1A, Article II. Re: **Increasing the number of signatures necessary to certify a state initiative or referendum measure.** Adopted November, 1956.
- No. 31. Amending Section 25, Article III. Re: **Removing the restriction prohibiting the state treasurer from being elected for more than one successive term.** Adopted November, 1956.
- No. 32. Amending Section 2, Article XV. Re: **Filling vacancies in the state legislature.** Adopted November, 1956.
- No. 33. Amending Section 1, Article XXIV. Re: **Modification of state boundaries by compact.** Adopted November, 1958.
- No. 34. Amending Section 11, Article I. Re: **Employment of chaplains at state institutions.** Adopted November, 1958.
- No. 35. Amending Section 25, Article II. Re: **Pensions and Employees' Extra Compensation.** Adopted November, 1958.
- No. 36. Amending Section 1, Article II by adding a new subsection (e). Re: **Publication and Distribution of Voters' Pamphlet.** Adopted November, 1962.
- No. 37. Amending Section 1, Article XXIII. Re: **Publication of Proposed Constitutional Amendments.** Adopted November, 1962.
- No. 38. Adding Section 2(c), Article IV. Re: **Temporary Performance of Judicial Duties.** Adopted November, 1962.
- No. 39. Adding Section 42, Article II. Re: **Governmental Continuity During Emergency Periods.** Adopted November, 1962.
- No. 40. Amending Section 10, Article XI. Re: **Lowering minimum population for first class cities from 20,000 to 10,000. Also changing newspaper publication requirements for proposed charters.** Adopted November, 1964.
- No. 41. Amending Section 29, Article IV. Re: **Election of Superior Court Judges.** Adopted November, 1966.
- No. 42. Repealing Section 33, Article II and Amendments 24 and 29. Re: **Alien Ownership of Lands.** Adopted November, 1966.
- No. 43. Amending Section 3, Article IX. Re: **Funds for Support of the Common Schools.** Adopted November, 1966.
- No. 44. Amending Section 5, Article XVI. Re: **Investment of Permanent Common School Fund.** Adopted November, 1966.

HISTORY OF ADOPTED CONSTITUTIONAL AMDTS.

- No. 45. Adding Section 8, Article VIII. Re: **Port Expenditures--Industrial Development--Promotion**. Adopted November, 1966.
- No. 46. Adding Section 1A, Article VI. Re: **Voter Qualifications for Presidential Elections**. Adopted November, 1966.
- No. 47. Adding Section 10, Article VII. Re: **Retired Persons Property Tax Exemption**. Adopted November, 1966.
- No. 48. Amending Section 3, Article VIII. Re: **Public Special Indebtedness, How Authorized**. Adopted November, 1966.
- No. 49. Adding Section 1, Article XXIX. Re: **Investments of Public Pension and Retirement Funds**. Adopted November, 1968.
- No. 50. Adding Section 30, Article IV. Re: **Court of Appeals**. Adopted November, 1968.
- No. 51. Adding Section 9, Article VIII. Re: **State Building Authority**. Adopted November, 1968.
- No. 52. Amending Section 15, Article II. Re: **Vacancies in Legislature and in Partisan County Elective Office**. Also amending Section 6, Article XI. Re: **Vacancies in Township, Precinct or Road District Office**. Adopted November, 1968.
- No. 53. Adding Section 11, Article VII. Re: **Taxation Based on Actual Use**. Adopted November, 1968.
- No. 54. Adding Section 1, Article XXX. Re: **Authorizing Compensation Increase During Term**. Adopted November, 1968.
- No. 55. Amending Section 2, Article VII. Re: **Limitation on Levies**. Adopted November, 1972.
- No. 56. Amending Section 24, Article II. Re: **Lotteries and Divorce**. Adopted November, 1972.
- No. 57. Amending Section 5, Article XI. Re: **County Government**. Adopted November, 1972.
- No. 58. Amending Section 16, Article XI. Re: **Combined City-County**. Adopted November, 1972.
- No. 59. Amending Section 2, Article VII. Re: **Limitation on Levies**. Adopted November, 1972.
- No. 60. Amending Section 1, Article VIII. Re: **State Debt**. Also amending Section 3, Article VIII. Re: **Special Indebtedness, How Authorized**. Approved November, 1972.
- No. 61. Adding new Article XXXI. Re: **Sex Equality, Rights and Responsibilities**. Adopted November, 1972.
- No. 62. Amending Section 12, Article III. Re: **Veto Power**. Adopted November, 1974.
- No. 63. Amending Section 1, Article VI. Re: **Qualifications of Electors**. Adopted November, 1974.
- No. 64. Amending Section 2, Article VII. Re: **Limitation on Levies**. Adopted November, 1976.
- No. 65. Amending Section 6, Article IV. Re: **Jurisdiction of Superior Courts**. Also amending Section 10, Article IV. Re: **Justices of the Peace**. Adopted November, 1976.
- No. 66. Amending Section 18, Article XII. Re: **Rates for Transportation**. Adopted November, 1977.
- No. 67. Repealing Section 14, Article XII. Re: **Prohibition Against Combinations by Carriers**. Adopted November, 1977.