

used in this title, the singular number shall include the plural, the masculine gender shall include both the feminine and neuter genders and the present tense shall include the past and future tenses, unless the context thereof shall clearly indicate to the contrary.

SEC. 2. Section 74.08.270, chapter 26, Laws of 1959 and RCW 74.08.270 are each repealed. Repeal.

Passed the House March 16, 1965.

Passed the Senate March 19, 1965.

Approved by the Governor March 29, 1965.

CHAPTER 3.

[House Bill No. 256.]

HAIRDRESSING AND BEAUTY CULTURE.

AN ACT relating to hairdressing and beauty culture; amending section 2, chapter 281, Laws of 1927 as last amended by section 1, chapter 324, Laws of 1959 and RCW 18.18.010; amending section 1, chapter 215, Laws of 1937 and RCW 18.18.030; amending section 2, chapter 324, Laws of 1959 and RCW 18.18.065; amending section 4, chapter 180, Laws of 1951 as amended by section 5, chapter 52, Laws of 1957 and RCW 18.18.070; amending section 9, chapter 215, Laws of 1937 and RCW 18.18.080; amending section 5, chapter 180, Laws of 1951 as last amended by section 4, chapter 324, Laws of 1959 and RCW 18.18.090; amending section 7, chapter 215, Laws of 1937 and RCW 18.18.100; amending section 2, chapter 168, Laws of 1953 and RCW 18.18.104; amending section 4, chapter 313, Laws of 1955 and RCW 18.18.110; amending section 14, chapter 215, Laws of 1937 as amended by section 6, chapter 180, Laws of 1951 and RCW 18.18.120; amending section 7, chapter 180, Laws of 1951 as last amended by section 5, chapter 324, Laws of 1959 and RCW 18.18.140; amending section 8, chapter 180, Laws of 1951 as amended by section 9, chapter 52, Laws of 1957 and RCW 18.18.190; amending section 9, chapter 180, Laws of 1951 as amended by section 10, chapter 52, Laws of 1957 and RCW 18.18.210; amending section 16, chapter 215, Laws of 1937 and RCW 18.18.230; amending section 11, chapter 52, Laws of 1957 as amended by section 9, chap-

ter 324, Laws of 1959 and RCW 18.18.260; adding new sections to chapter 18.18 RCW; and providing an effective date.

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

RCW 18.18.010 amended.

SECTION 1. Section 2, chapter 281, Laws of 1927 as last amended by section 1, chapter 324, Laws of 1959 and RCW 18.18.010 are each amended to read as follows:

Hairdressing—
Beauty culture.
Definitions.

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 incident to original 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 on female persons;

(2) "Hairdresser" means any person, firm or corporation who engages in the practice of hairdressing;

(3) "Practice of beauty culture" or "beauty culture" 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 on female persons;

(4) "Beauty culturist" means any person, firm or corporation who engages in the practice of beauty culture;

(5) 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 beauty school, and who does not receive any wage or commission: *Provided*, That the amendments to this subdivision shall not apply to any person attending as a student prior to the effective date of this amendatory section;

(6) An "operator" is a person of the age of eighteen years or over, who has been licensed to practice hairdressing and beauty culture under the direct supervision and direction of a manager operator;

(7) A "manager operator" is any person having practiced as an operator under the supervision of a manager operator for at least one year;

(8) A "shop" is any building or structure, or any part thereof, other than a school, wherein the practice of hairdressing and beauty culture is conducted;

(9) A "school" is an institution of learning devoted exclusively to the instruction and training of students in the practice of hairdressing and beauty culture;

(10) An "instructor operator" is a person who gives instruction in the practice of hairdressing and beauty culture 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 beauty school, beauty culture services for members of the public except for instructional purposes;

(11) "Director" means the state director of licenses;

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culture.

(12) "Committee" means the beauty culture examining committee;

(13) "Board" means the hearing board.

RCW 18.18.030
amended.

SEC. 2. Section 1, chapter 215, Laws of 1937 and RCW 18.18.030 are each amended to read as follows:

Licensing—
Required.

It shall be unlawful for any person, firm or corporation to engage in the practice of hairdressing and beauty culture for compensation, or hold himself or itself out as qualified to engage in the practice of, or solicit the practice of, hairdressing and beauty culture, or to own, manage, conduct, or give instruction in a hairdressing and beauty culture shop or school unless licensed to do so as in this chapter provided.

Every hairdressing and beauty culture establishment for the teaching of any branch thereof shall be classified as a school of hairdressing and beauty culture within the meaning of this chapter, and shall be required to comply with its provisions.

RCW 18.18.065
amended.

SEC. 3. Section 2, chapter 324, Laws of 1959 and RCW 18.18.065 are each amended to read as follows:

Shop or school
location
license—
Application—
Issuance.

It shall be unlawful for any person, firm, or corporation to operate a beauty shop or a beauty school without a shop or school location license for each beauty shop or beauty school. Application therefor shall be made on forms furnished by the director and shall contain such information as the director may reasonably require. Upon receipt of such application and the fee required by this chapter, the director shall issue a location license if such shop or school meets the other requirements of this chapter.

RCW 18.18.070
amended.

SEC. 4. Section 4, chapter 180, Laws of 1951 as amended by section 5, chapter 52, Laws of 1957 and RCW 18.18.070 are each amended to read as follows:

School license
—Qualifica-
tions.

No person shall be licensed to conduct a school unless it appears to the director: (1) That the school

will maintain the course of instruction herein provided; (2) that instruction in the school at all times is in charge of and under the supervision of a manager operator; (3) that the school will at all times maintain one instructor for each fifteen students or fraction thereof; and (4) that at no time does a school have less than two instructors on duty.

SEC. 5. Section 9, chapter 215, Laws of 1937 and RCW 18.18.080 are each amended to read as follows:

RCW 18.18.080
amended.

Applications for licenses to be issued pursuant to the terms of this chapter shall be made on forms furnished by the director and shall state therein the name, age, place of residence, nationality of the applicant, his experience or training, or the time in attendance at any school, if the applicant is a graduate of any school; and such other information as the board may prescribe; said application shall be accompanied by proof of school attendance (except with an application for an owner or school license), a certificate of health signed by a reputable physician to the effect that after a physical examination made within ten days prior to the filing thereof, he has found such applicant free from any infectious or contagious disease; and by the application fees provided for herein. An application for a new school license in addition to the foregoing applicable provisions, shall state the location of the school to be licensed and the names and addresses of the instructors who will initially instruct in said school, and shall also supply a copy of the complete curriculum and how it shall be taught.

Applications—
Form—Re-
newal of
licenses issued.

After the examination committee has examined the application and inspected the proposed location for the school, and has verified the instructors and approved the curriculum, it will authorize the applicant to proceed with the installation of the school plant, should the project be qualified.

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culture.
Licenses—
Applications—
Form—
Renewal of
licenses issued.

Final approval will be granted on compliance with all regulations, and with the sanitary rules and regulations approved by the state board of health together with the following minimum requirements:

(1) Separate rooms for class work, locker arrangements, and clinical services, (2) separate lavatories for women and men, (3) *a minimum of 3000 square feet per school.*

Any person initially issued a license after June 30, 1965 pursuant to the terms of the act may, upon the expiration thereof, have the same renewed upon compliance with the conditions, and payment of the fees, required for the renewal of licenses issued hereunder.

Notwithstanding any provision of this amendatory act, any person, firm, association or corporation operating a school as defined in RCW 18.18.010, subsection (9), who is so licensed to operate and is operating said school upon the effective date of this act, shall be conclusively presumed to have complied with the provisions of the amendatory act and upon the application for a license or annual renewal thereof and upon the payment of the fees required, the director shall issue a license to the said person, firm, association or corporation without the necessity of having the said person, firm, association or corporation so operating said school qualify with and conform to the requirements of this amendatory act with respect to RCW 18.18.080 or any term or provision thereof.

RCW 18.18.090
amended.

SEC. 6. Section 5, chapter 180, Laws of 1951 as last amended by section 4, chapter 324, Laws of 1959 and RCW 18.18.090 are each amended to read as follows:

Applications—
Fees.

Each application shall be accompanied by the following fees: Student enrollment, five dollars; operator, ten dollars; instructor operator, fifteen dol-

lars; manager operator, five dollars; shop, twenty-five dollars; school, one hundred fifty dollars. Any applicant who fails to pass the examination may take the next succeeding examination with payment of an additional fee of seven dollars and fifty cents.

SEC. 7. Section 7, chapter 215, Laws of 1937 and RCW 18.18.100 are each amended to read as follows:

RCW 18.18.100 amended.

All examinations for license shall be conducted and given by the examining committee under the supervision and direction of the director of licenses, in the manner provided by law. No person shall, however, be appointed as a member of an examining committee for the purpose of conducting examinations and performing other duties imposed by this chapter unless he is an operator and of the age of at least twenty-five years, has the qualifications of an instructor, has been a citizen of the state for at least three years immediately prior to his appointment, has been engaged in actual practice as a hairdresser, beauty culturist, or instructor for at least five years, is not connected directly or indirectly with any school of hairdressing and beauty culture, and is not connected directly or indirectly in the business of the manufacturing, renting or selling of hairdressing or beauty culture appliances and supplies at wholesale.

Examining committee. Qualifications.

SEC. 8. Section 2, chapter 168, Laws of 1953 and RCW 18.18.104 are each amended to read as follows:

RCW 18.18.104 amended.

The secretary of the examining committee shall keep a record of all the proceedings of the committee. The committee shall meet in order to hold examinations and to conduct any other proper business. The committee shall set a schedule for such meetings a year in advance. The principal office of the committee shall be and is hereby established in Olympia, Washington. A majority of the committee in meeting duly assembled may exercise all the powers devolving upon the committee. For any urgent pur-

—Meetings—
Principal office—Duties, compensation, expenses, of secretary—
Compensation, expenses, of members—
Compensation, expenses, from fees.

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committee.
Compensation,
expenses, of
members—
Compensation,
expenses, from
fees.

pose a special meeting may be called. Notice from the secretary signed by three members of the committee may convene the committee for a special meeting. Only business specified in the notice shall be transacted. The secretary shall arrange for and conduct all examinations called for under the provisions of this chapter. The secretary shall deliver all records and findings of the examining committee as a result of examinations and hearings to the director. The secretary shall have a full time position with a salary to conform with standards set by the department of licenses for similar positions. The secretary shall be reimbursed for necessary traveling expenses incurred in the actual performance of his duties. Each member of the committee shall receive as compensation for attendance at proper meetings of the committee thirty-five dollars for each day's attendance and shall be reimbursed for necessary traveling expenses: *Provided, however,* That all salaries, compensation, and travel expenses shall come from the license and application fees collected pursuant to this act.

RCW 18.18.110
amended.

SEC. 9. Section 4, chapter 313, Laws of 1955 and RCW 18.18.110 are each amended to read as follows:

Examinations
—When—
Subjects—
Conduct.

All examinations for licenses shall be conducted six times a year, an examination to be given once every two months.

The examination shall consist of written and oral questions and answers and practical tests. Written examinations shall cover each of the branches of hairdressing and beauty culture required in the course of study.

Practical tests shall consist of actual demonstrations in hairdressing and beauty culture under the direction and supervision of the committee.

Applicants shall also be required to pass an examination in anatomy, physiology, hygiene, sanita-

tion, sterilization and the use of antiseptics in hair-dressing and beauty culture.

Passing grades shall be based upon the standard of one hundred percent.

An applicant who receives a passing grade of not less than seventy-five percent in each branch, and in addition thereto passes the required examination in anatomy, physiology, hygiene, sanitation, sterilization and the use of antiseptics, shall be entitled to a license as an operator.

An instructor's examination shall consist of a lesson plan and a demonstration in the art of teaching at least two subjects of the beauty culture law.

SEC. 10. Section 14, chapter 215, Laws of 1937 as amended by section 6, chapter 180, Laws of 1951 and RCW 18.18.120 are each amended to read as follows:

RCW 18.18.120 amended.

Any person who has been licensed by proper authority of any state or territory or possession of the United States or any country may be issued a license without examination, provided the applicant's qualifications are substantially equal to the requirements of this chapter. Each application for a license under this section shall be accompanied by a fee of fifty dollars.

Exemption from examination—
Licensed by another state or country—
Fee.

SEC. 11. Section 7, chapter 180, Laws of 1951 as last amended by section 5, chapter 324, Laws of 1959 and RCW 18.18.140 are each amended to read as follows:

RCW 18.18.140 amended.

Licenses may be renewed from year to year upon the payment on or before the first day of each July following their issuance, of a renewal fee as follows: Operator, three dollars; instructor operator, six dollars; manager operator, five dollars; shop, seven dollars; school, one hundred and fifty dollars.

Licenses—
Renewal.

A certificate of health is required with an application for an original license, one must also be filed with a renewal application.

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ture. Licenses
—Renewal.

Any operator, manager operator, or instructor operator whose license has lapsed may have the same renewed upon payment of all fees which the applicant would have been required to pay to keep such license in effect, and an additional fee of five dollars for each lapsed year: *Provided*, That any person whose license has lapsed for more than three years shall be reexamined, as in the case of any applicant for an original license.

RCW 18.18.190
amended.

SEC. 12. Section 8, chapter 180, Laws of 1951 as amended by section 9, chapter 52, Laws of 1957 and RCW 18.18.190 are each amended to read as follows:

Schools—
Courses of
instruction.

The courses of instruction in theory and practical application in every school shall comprise at least the following:

- (1) Shampooing, soap and dry;
- (2) Care of the face and massaging, including make up and care of eyebrows and lashes;
- (3) Care of the scalp and massaging, rinses and packs;
- (4) Hair coloring and bleaching;
- (5) Cold permanent waving;
- (6) Iron curling or waving;
- (7) Finger waving;
- (8) Hair fashioning, shaping and cutting;
- (9) Manicuring;
- (10) Electricity as applied to cosmetology, and the use and application of electrical appliances;
- (11) The study of the law on beauty culture of the state of Washington;
- (12) Shop management, ownership, and business ethics.
- (13) Theory and science of cosmetology.

RCW 18.18.210
amended.

SEC. 13. Section 9, chapter 180, Laws of 1951 as amended by section 10, chapter 52, Laws of 1957 and RCW 18.18.210 are each amended to read as follows:

Every school shall cause the word "school" to appear conspicuously on its literature and advertising matter, and to be painted in letters at least four inches high on all doors leading to the school, which are open to the public generally.

Schools—
Regulations
governing.

Every school shall have available for every twenty-five students, subject to other requirements by the director, at least: Three shampoo bowls; seven hair dryers; two facial chairs; one sterilizer; one heating cap; and cold permanent wave equipment.

No charge shall be made for student work until the student has completed four hundred hours of instruction and practice: *Provided*, That no student shall perform such services for charge unless he displays such identification issued by the schools which certifies the completion of four hundred hours of instruction and practice.

SEC. 14. There is added to chapter 18.18 RCW a new section to read as follows:

New section.

A hearing board is hereby established and shall consist of three members to be appointed by the governor in the following manner: One member *from a list of persons* qualified by at least six years' experience in the cosmetology industry for a six year term; one member *from a list of qualified persons submitted by the* licensed Washington state cosmetology schools for a four year term; and one member who is unaffiliated with any of the foregoing associations for a two year term. Thereafter the terms of the members shall be for six years and until their successors are appointed and qualified. The governor shall fill any vacancy on the board within ninety days after it occurs by an appointment for the remainder of the unexpired term.

Hearing
board.
Established—
Members,
appointment,
compensation,
expenses—
Chairman—
Meetings—
Reports—
Compensation,
expenses, from
fees.

The board shall select one of its members as its chairman. Meetings shall be held as often as shall be

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Hearing
board. Meet-
ings—Reports
—Members,
compensation,
expenses, from
fees.

necessary for the board to perform its duties. All members shall be present before business may be transacted. The director of licenses shall exercise direct supervision over the board's activities and the board shall file quarterly reports with the director outlining its activities for the preceding period.

Each member of the board shall receive as compensation for his attendance at hearings or other proper meetings thirty-five dollars for each day or part of a day's attendance and shall be reimbursed for necessary traveling expenses: *Provided, however,* That all compensation and travel expenses shall come from the license and application fees collected pursuant to this act.

RCW 18.18.230
amended.

SEC. 15. Section 16, chapter 215, Laws of 1937 and RCW 18.18.230 are each amended to read as follows:

Revocation of
license—
Notice and
procedure—
Right to
appeal board
decision.

(1) Before any license shall be revoked or the penalties herein provided be imposed, the holder thereof shall have a written notice of the charge or charges brought against him, and a hearing had thereon not less than twenty days after the service of such notice. Such charges, which shall be filed with the director who shall refer them to the board, shall be verified with the oath of the person making the same, and a copy thereof shall be served upon the holder of the license with a notice, which notice shall be served in the manner provided by law for service of summons in civil actions. The director of licenses is hereby granted the right of subpoena to require the attendance of witnesses and the production of pertinent records, such witnesses shall be entitled to fees and mileage as provided by [chapter] 2.40 RCW. Such hearing shall be public and the holder of such license shall be given an opportunity to produce evidence in his behalf and to confront the witnesses produced against him. The hearings shall be conducted by the hearing board, in the county or an

adjacent county, where the accused conducts his business. The board shall be the sole judge of the charges and the evidence produced, and the decision of any two members of the board shall be the decision of the board. If the charges are sustained in the judgment of the board, the board may direct the revocation of such license, or that such holder may be barred from exercising any rights or privileges under said license for any term not exceeding one year;

(2) Any person feeling himself aggrieved by the refusal of the director to issue any license provided for in this chapter, or renew the same, or by the revocation or suspension of any license issued under the provisions of this chapter, shall have the right to appeal from the decision of the board to the superior court of the county in which he maintains his place of business.

SEC. 16. There is added to chapter 18.18 RCW a new section to read as follows:

A training program is hereby adopted for all licensed instructors, or instructors subsequently licensed, consisting of not less than thirty clock-hours of post-graduate study to be taken within a three year period of the subjects hereinafter enumerated. No instructor license shall be renewed as provided in RCW 18.18.140 without a certificate of attendance from a state accredited institution recognized by the state board of education. The study shall include the following subjects:

- (1) Analysis
- (2) Basic lesson planning
- (3) Advance lesson planning
- (4) Psychology
- (5) Instructional aids
- (6) Test planning.

Completion of this additional training within the current year or preceding two years is a prerequisite

Instructors' additional training—Prerequisite to renewal of license.

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to the issuance of a renewal license by the director. Evidence of completion of this training program shall first be required of instructors seeking renewal of their licenses in 1968.

RCW 18.18.260
amended.

SEC. 17. Section 11, chapter 52, Laws of 1957 as amended by section 9, chapter 324, Laws of 1959 and RCW 18.18.260 are each amended to read as follows:

Unlawful
practices and
omissions.

No person shall engage in the practice of hairdressing, and beauty culture in any place other than a hairdressing and beauty culture shop or school, except in case of his own family or in case of a person whose physical condition prevents his presence at a shop or school.

No person shall sleep in, or use for residential purposes, any room used wholly or in part as a hairdressing and beauty culture shop, nor engage in hairdressing and beauty culture in any room used for sleeping or residential purposes.

Every hairdressing and beauty culture 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 and beauty culture shop shall provide and maintain for the use of the customers adequate toilet facilities.

No hairdressing or beauty shop shall be operated unless it is under the direct supervision of a manager operator.

No person other than an 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 and 18.18.190.

No student shall engage in the practice of hairdressing and beauty culture except in a school under the direct supervision of an instructor.

SEC. 18. The effective date of this 1965 amendatory act is July 1, 1965. Effective date.

Passed the House March 18, 1965.

Passed the Senate March 17, 1965.

Approved by the Governor March 29, 1965, except for certain items in sections 5, 6, 11 and 14, which were vetoed.

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

Veto message.

"This bill amends the licensing statutes regarding beauty schools. Licensing statutes are designed to insure that only businesses which meet minimum standards serve the people of the State of Washington. They also tend to restrict entry into a particular field by smaller businesses, whether or not they meet the minimum standards relating to quality. I believe that a requirement that a school covered by this act have a minimum 3,000 square feet is an arbitrary dividing line without direct relationship to the quality of the school, and is unnecessarily prohibitive to entry of new schools, otherwise meeting the standards of the profession. I have therefore vetoed section 5(3) which establishes this restriction.

"The bill also provides that schools presently in existence shall not be required to meet the requirements of the amendments to the licensing law. Unless the requirements of the law are unreasonable, presently existing businesses should be required to meet the same requirements that newly organized businesses must meet. This portion of the bill would require new schools to comply with the sanitary rules and regulations approved by the state board of health, but conclusively presumes that presently existing schools have met this requirement.

"I believe this distinction between presently existing schools is without merit, and have therefore vetoed the portion of section 5 establishing this exemption.

"In addition I believe that an increase in a licensing fee for new schools from \$150 to \$500 is totally disproportionate to the increase in the amounts of other licenses under the bill and to the comparative cost of licensing schools. While some increase is undoubtedly in order, my power of veto does not allow me to substitute a more reasonable figure. I have therefore vetoed that portion of section 6 increasing the license fee for new schools, returning the language to its original form.

"Section 11 requires that a certificate of health be submitted by individuals applying for licenses, but deletes the requirement that they be submitted with renewal applications. The necessity that those in a profession requiring such close personal contact with the public be in good health does not dissipate once they have been granted an initial license. If it is necessary for original applicants, it is also necessary when licenses are renewed. I have therefore vetoed the deletion of the requirement that a health certificate accompany a renewal application, returning that provision to the law.

"Section 14 provides that membership of a hearing board shall consist of three members appointed by the governor. The first is appointed from a list, but the source of the list nor the number on the list is not given. The second member is to be appointed from a list submitted by the licensed cosmetology schools. It does not prohibit each school from submitting a list, nor does it have any provision which would require more than one person to be listed.

Veto message.

"I believe these restrictions are contrary to sound public policy. The person who makes an appointment should be held responsible for it. If it is good, he deserves the credit; if it is bad, he deserves the blame. But no appointing power can properly be held to account for an appointment which he is not free to make in accordance with his own best judgment. When making appointments to this hearing board I will seek the advice and counsel of persons knowledgeable in the field of cosmetology. I will welcome suggestions from all interested parties and organizations, including those groups named in this bill. I believe any succeeding governor would follow this example.

"In exercise of the power of item veto, I have retained the basic make-up of the board, in that the one member of the board must have six years experience in cosmetology, one member must be from the licensed Washington state cosmetology schools, and one member must be unaffiliated with the above listed groups. Only the requirement that appointments be made from restricted lists submitted to the governor has been removed.

"The remainder of the bill is approved."

DANIEL J. EVANS,
Governor.

CHAPTER 4.

[Senate Bill No. 520.]

HIGHER EDUCATION FACILITIES ACT—CAPITAL
PROJECTS—APPROPRIATIONS.

AN ACT relating to institutions of higher education; making appropriations; and declaring an emergency.

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

Capital projects, U. of Wash. and E.W.S.C. Purpose.

SECTION 1. In order to facilitate the consideration of projects proposed by the University of Washington, and by the Eastern Washington State College for federal funds available under the Higher Education Facilities Act of 1964, it is necessary that immediate appropriation be made of the state portion of these projects.

"Capital project" defined.

SEC. 2. As used in this act, the words "capital project" shall include acquisition of sites, easements, rights of way or improvements thereon or appurtenances thereto, construction and initial equipment, reconstruction, demolition or major alteration of new or presently owned capital assets.