

be construed as repealing the correlative section of the 1969 education code, and any new or additional provisions of Part II shall be construed as being in pari materia with the 1969 education code.

NEW SECTION. Sec. 6. Part II of this 1969 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect on the date upon which the 1969 education code becomes effective.

Passed the Senate April 17, 1969
Passed the House April 10, 1969
Approved by the Governor April 25, 1969
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CHAPTER 185
[Engrossed Senate Bill No. 55]
COUNTIES--ROADS, VACATION--BUDGET,
EMERGENCY EXPENDITURES

AN ACT Relating to counties; amending section 36.87.010, chapter 4, Laws of 1963 and RCW 36.87.010; amending section 36.87.080, chapter 4, Laws of 1963 and RCW 36.87.080; and amending section 36.40.140, chapter 4, Laws of 1963 and RCW 36.40.140; and adding new sections to chapter 4, Laws of 1963, and to chapter 36.87 RCW.

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

Section 1. Section 36.87.010, chapter 4, Laws of 1963 and RCW 36.87.010 are each amended to read as follows:

When a county road or any part thereof is considered useless, the board by ((unanimous)) resolution entered upon its minutes, may declare its intention to vacate and abandon the same or any portion thereof and shall direct the county road engineer to report upon such vacation and abandonment.

Sec. 2. Section 36.87.080, chapter 4, Laws of 1963 and RCW 36.87.080 are each amended to read as follows:

No county road shall be vacated and abandoned except by ((unanimous)) majority vote of the board properly entered, or by operation of law, or judgment of a court of competent jurisdiction.

Sec. 3. Section 36.40.140, chapter 4, Laws of 1963 and RCW

36.40.140 are each amended to read as follows:

When a public emergency, other than such as are specifically described in RCW 36.40.180, and which could not reasonably have been foreseen at the time of making the budget, requires the expenditure of money not provided for in the budget, the board of county commissioners by ((unanimous)) majority vote of the commissioners ((present)) at any meeting the time and place of which all the commissioners have had reasonable notice, shall adopt and enter upon its minutes a resolution stating the facts constituting the emergency and the estimated amount of money required to meet it, and shall publish the same, together with a notice that a public hearing thereon will be held at the time and place designated therein, which shall not be less than one week after the date of publication, at which any taxpayer may appear and be heard for or against the expenditure of money for the alleged emergency. The resolution and notice shall be published once in the official county newspaper, or if there is none, in a legal newspaper in the county. Upon the conclusion of the hearing, if the board of county commissioners approves it, an order shall be made and entered upon its official minutes by a ((unanimous)) majority vote of all the members of the board setting forth the facts constituting the emergency, together with the amount of expenditure authorized, which order, so entered, shall be lawful authorization to expend said amount for such purpose unless a review is applied for within five days thereafter.

NEW SECTION. Sec. 4. There is added to chapter 4, Laws of 1963, and to chapter 36.87 RCW, a new section to read as follows:

Any board of county commissioners may, by ordinance, classify all county roads for which public expenditures were made in the acquisition, improvement or maintenance of the same, according to the type and amount of expenditures made and the nature of the county's property interest in the road; and may require persons benefiting from the vacation of county roads within some or all of the said classes to compensate the county as a condition precedent

to the vacation thereof.

NEW SECTION. Sec. 5. There is added to chapter 4, Laws of 1963, and to chapter 36.87 RCW, a new section to read as follows:

Any board of county commissioners may, by ordinance, separately classify county roads for which no public expenditures have been made in the acquisition, improvement or maintenance of the same, according to the nature of the county's property interest in the road; and may require persons benefiting from the vacation of county roads within some or all of the said classes to compensate the county as a condition precedent to the vacation thereof.

NEW SECTION. Sec. 6. There is added to chapter 4, Laws of 1963, and to chapter 36.87 RCW, a new section to read as follows:

Any ordinance adopted pursuant to this act may require that compensation for the vacation of county roads within particular classes shall equal all or a percentage of the appraised value of the vacated road as of the effective date of the vacation. Costs of county appraisals of roads pursuant to such ordinances shall be deemed expenses incurred in vacation proceedings, and shall be paid in the manner provided by RCW 36.87.070.

NEW SECTION. Sec. 7. There is added to chapter 4, Laws of 1963, and to chapter 36.87 RCW, a new section to read as follows:

No county shall vacate a county road or part thereof which abuts on a body of salt or fresh water unless the purpose of the vacation is to enable any public authority to acquire the vacated property for port purposes, boat moorage or launching sites, or for park, viewpoint, recreational, educational or other public purposes, or unless the property is zoned for industrial uses.

NEW SECTION. Sec. 8. There is added to chapter 4, Laws of 1963, and to chapter 36.87 RCW, a new section to read as follows:

If any provision of this act, or its application to any person, property or road is held invalid, the validity of the remainder of the act, or the application of the provision to other persons,

property or roads shall not be affected.

Passed the Senate April 19, 1969
Passed the House April 12, 1969
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CHAPTER 186
[Engrossed Senate Bill No. 392]
PUBLIC DISORDER, DISASTER, RIOT--
STATE OF EMERGENCY--POWERS
OF GOVERNOR--OFFENSES

AN ACT Relating to state government; crimes and disorder; creating a new chapter; amending section 43.06.010, chapter 8, Laws of 1965 and RCW 43.06.010; and providing penalties.

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

NEW SECTION. Section 1. Unless a different meaning is plainly required by the context, the following words and phrases as herein-after used in this act shall have the following meaning:

"State of emergency" means an emergency proclaimed as such by the governor pursuant to section 8 of this act.

"Governor" means the governor of this state or, in case of his removal, death, resignation or inability to discharge the powers and duties of his office, then the person who may exercise the powers of governor pursuant to the Constitution and laws of this state relating to succession in office.

"Criminal offense" means any prohibited act for which any criminal penalty is imposed by law and includes any misdemeanor, gross misdemeanor, or felony.

NEW SECTION. Sec. 2. The proclamation of a state of emergency and other proclamations or orders issued by the governor pursuant to this act shall be in writing and shall be signed by the governor and shall then be filed with the secretary of state. The governor shall give as much public notice as practical through the news media of the issuance of proclamations or orders pursuant to this act. The state of emergency shall cease to exist upon the issuance of a proclamation of the governor declaring its termination: PROVIDED, That the governor must terminate said state of emergency proclamation when order has